



Legal Study Of The Process Of Establishing Community Organization Institutions (Csos) And The Role Of The Kesbangpol Agency In Cirebon Regency

Khairina Febriani ^{1*}, Endang Sutrisno ², Ari Nurhaki ³

^{1,2,3} Swadaya Gunung Jati University, Cirebon, Indonesia

*Corresponding Author. Email rina.khairina252@gmail.com

Abstract

Background. This research examines the normative juridical aspects of the process of establishing community organizations (CSOs) and the role of the National and Political Unity Agency (Kesbangpol) in dealing with the problem of dualism of CSOs in Indonesia, focusing on regulatory changes from Law Number 17 of 2013 to Law Number 16 of 2017 concerning Community Organizations. This change has a significant impact on freedom of association because the government now has the authority to dissolve mass organizations without going through a judicial process.

Aims. The primary objective of this study is to examine the legal implications of the regulation and assess the strategic role of Kesbangpol in resolving internal conflicts within mass organizations, particularly in the context of leadership dualism. The research method employed is normative juridical, utilizing a legislative approach and a literature study.

Method. Normative juridical research is a method of legal research that involves examining primary, secondary, and tertiary legal materials to analyze how these legal norms are applied in reality. The primary focus of this method is on positive legal norms, so the object of study is relevant legal documents, laws, regulations, and legal theories.

Result. The study's results show that, although the regulatory changes aim to maintain national stability and prevent radicalism, there is a potential violation of human rights and democratic principles. Meanwhile, Kesbangpol has a vital role in supervising and fostering mass organizations, but is often limited by technical and budgetary regulations.

Conclusion. A thorough evaluation of the effectiveness of the role of Kesbangpol and a review of the policy of dissolving CSOs are needed to ensure alignment with the constitution and the principles of the rule of law.

Implementation. This research is expected to contribute to the development of constitutional law and the protection of civil liberties in Indonesia.

Keywords: Community Organizations, Dualism of CSOs, Kesbangpol, Normative Juridics, Dissolution of CSOs



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INTRODUCTION

Community organizations (CSOs) play a vital role in Indonesia's democratic life. As a forum for community participation, CSOs play a crucial role in conveying aspirations, shaping public policies, and promoting social and political development. Freedom of association and assembly as a human right is guaranteed in Article 28E paragraph (3) of the 1945 Constitution of the Republic of Indonesia (1945 Constitution of the Republic of Indonesia). However, the internal dynamics of CSOs do not always run in harmony. One of the problems that often arises is leadership dualism, where there are two or more parties claiming to be legitimate administrators within a single mass organization. This phenomenon not only causes internal conflicts, but also has the potential to disrupt public order and social stability. The dualism of mass organizations is often caused by differences in views, political interests, or disagreements in the interpretation of the organization's articles of association and bylaws (Pramono & Munandar, 2020).

Community Organizations (CSOs) play a crucial role in Indonesia's social and political dynamics, particularly in supporting national development and fostering constructive social supervision (Dewi, 2021). Regulations regarding CSOs have been regulated in Law No. 17 of 2013 and amended through Law No. 16 of 2017, which aims to provide legal certainty for the establishment and management of CSOs (Setiawan, 2020). However, in practice, the management of CSOs in Indonesia still faces various challenges, particularly related to the issue of management dualism, which often leads to internal conflicts (Rahman, 2021). This condition shows that even though regulations already exist, the mechanism for conflict resolution and supervision of CSOs by the government, primarily through the National and Political Unity Agency (Kesbangpol), still needs to be improved so that CSOs can function optimally and do not disrupt social stability (Yusuf & Prasetyo, 2023; Dewi & Hidayat, 2022). Therefore, this study aims to analyze regulations, supervisory constraints, and the role of Kesbangpol in the management of civil society organizations (CSOs) in Indonesia.

To regulate the existence of CSOs, the government has stipulated Law Number 17 of 2013 concerning Community Organizations. However, in its development, this law is considered not to have overcome various problems that arise, including leadership dualism. Therefore, the government issued Government Regulation (Perppu) Number 2 of 2017, which was later passed into Law Number 16 of 2017. This change grants the government the authority to dissolve mass organizations deemed contrary to Pancasila and the 1945 Constitution of the Republic of Indonesia, without requiring a judicial process. This policy has

attracted controversy because it is considered contrary to the principle of the state of law (rechtsstaat), which upholds the due process of law. Some legal experts stated that the unilateral granting of authority to the government to dissolve mass organizations without a judicial process is contrary to Article 1 paragraph (3) and Article 28E paragraph (3) of the 1945 Constitution of the Republic of Indonesia (Setiawan, 2020).

In this context, the role of the National and Political Unity Agency (Kesbangpol) is crucial. As an institution tasked with supervising and fostering mass organizations, Kesbangpol has the responsibility to prevent and resolve internal conflicts, including leadership dualism. However, in practice, Kesbangpol often faces obstacles, including limited resources, a lack of coordination between agencies, and inadequate technical regulations. Research by Yudisthiro (2024) highlights that Kesbangpol needs to strengthen its capacity to handle internal conflicts with mass organizations in order to maintain social and political stability.

According to Pramono and Munandar (2020), a normative juridical approach is very important in analyzing legal problems related to mass organizations. They emphasized the need to review existing regulations to align them with democratic and human rights principles.

Thus, the legal study of the process of establishing mass organizations and the role of Kesbangpol in addressing leadership dualism becomes highly relevant. This research aims to analyze the legal provisions governing the establishment of CSOs, evaluate the role of Kesbangpol in responding to the dualism of CSOs, and identify the obstacles faced in implementing the supervision and guidance of CSOs.

Problem Formulation

1. What are the legal provisions that govern the process of establishing community organizations based on Law No. 17 of 2013, which has been amended into Law No. 16 of 2017?
2. What is the role of the Kesbangpol Agency in addressing the issue of leadership dualism within mass organizations?
3. What are the juridical and practical obstacles in the implementation of supervision and development of mass organizations by Kesbangpol?

Research Objectives and Benefits

This research aims to:

1. Analyze the legal provisions that regulate the establishment of CSOs based on the latest regulations.
2. Evaluate the role and function of Kesbangpol in dealing with the dualism of CSO leadership.
3. Providing input on strengthening regulations and institutions in the development of civil society organizations (CSOs).

The expected benefits of this study include:

- Provide academic contributions in the field of constitutional law and state administrative law.
- It is a consideration for policymakers in formulating regulations that are more responsive to the dynamics of CSOs.
- Providing a strong legal basis for Kesbangpol in carrying out the function of supervision and guidance of mass organizations.

LITERATURE REVIEW

In this study, several theoretical foundations are employed as the basis for analyzing the problem of establishing community organizations (CSOs), management dualism, and the role of the National and Political Unity Agency (Kesbangpol). These theories are used to explain, understand, and evaluate the legal framework, institutional structure, and supervisory practices of CSOs in Indonesia. The theories used include:

The Theory of the State of Law (Rechtsstaat)

The theory of the state of law is a concept that emphasizes that all actions of the government and state administrators must be based on law. In the Indonesian context, the principle of the state of law is reflected in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which states that "The State of Indonesia is a state of law." The consequence of this principle is that the dissolution of CSOs, supervision, and coaching must be carried out by legal procedures and in a manner that upholds human rights.

According to Kusnardi and Ibrahim (2021), the rule of law requires limits on government power, the protection of fundamental rights of citizens, and adherence to the rule of law. In this case, the dissolution of CSOs by the government without a court process, as stipulated in Law No. 16 of 2017, has the potential to be contrary to the principle of the rule of law, as it ignores the principle of *due process of law*. "The state of law must ensure that all

administrative actions of the government, including the development and dissolution of mass organizations, are carried out through an open and accountable legal process" (Wahyuni & Santoso, 2020).

Theory of Democracy and Human Rights

In a democratic country, freedom of association and assembly is a fundamental right of citizens. Democracy theory emphasizes the importance of community participation in the life of the nation and state. CSOs, as part of civil society, are a means for citizens to channel their aspirations, carry out social control, and participate in development.

According to Santosa (2021), democracy is not only about elections, but also the recognition of the existence of a free civil society. The state is obliged to guarantee freedom of association, assembly, and opinion as stipulated in Article 28E of the 1945 Constitution. Therefore, the dissolution of mass organizations without going through the judicial process can be considered a form of repression against civil liberties. "The government must ensure that the policies taken do not threaten the existence of civil society, which is an important pillar in democracy" (Sutrisno & Abdullah, 2022).

Normative Juridical Theory

The normative juridical research method is based on the study of applicable legal norms, including laws, regulations, court decisions, and legal doctrines. This theory is used to analyze legal issues from a normative, not empirical, perspective.

An important normative approach is employed in legal research that focuses on how the law should function (*das sollen*), rather than how it is practiced (*das sein*). Therefore, this study employs a normative framework to assess the alignment of CSOs' regulations with the principles of the rule of law and democracy. "A normative juridical approach is important to test the validity of the rule of law, the validity of government authority, and the protection of citizens' rights based on positive law" (Rahman & Lestari, 2023).

Institutional Theory and Good Governance

Institutional theory emphasizes the importance of the existence of formal institutions, such as Kesbangpol, in carrying out government functions efficiently, accountably, and oriented towards public services. Kesbangpol, as a local government institution, plays a

strategic role in coaching and supervising mass organizations to ensure they remain aligned with the organization's goals.

According to Indrawati and Putra (2020), strengthening supervisory institutions, such as Kesbangpol, is necessary so that supervision of CSOs is not only administrative but also capable of resolving internal conflicts, including management dualism, through mediation and non-litigation approaches. "Government institutions in the modern government system not only function as regulators, but also as facilitators and mediators of social conflicts" (Yulia & Hendra, 2021).

In addition, *good governance principles* such as participation, transparency, accountability, and responsiveness need to be applied by CSOs' supervisory institutions so that the community feels involved and the decisions taken gain social legitimacy. "The application of the principle of good governance in the management of CSOs can minimize internal conflicts and increase the effectiveness of coaching" (Wijaya, 2022).

Conflict Theory and Social Mediation

Conflicts in organizations, including managerial dualism, can be analyzed with social conflict theory. Differences in interests, power struggles, and weak internal decision-making systems usually trigger dualism. Therefore, mediation theory and conflict resolution are crucial in addressing internal issues within mass organizations.

Ramadhani (2022) stated that resolving organizational conflicts should be carried out through a mediation approach based on dialogue and deliberation, in order to minimize wider legal and social impacts. In this case, Kesbangpol must play the role of an independent facilitator who bridges internal organizational conflicts.

"The application of the mediation approach in CSOs conflicts must be based on equality, inclusivity, and respect for the internal structure of the organization" (Putri & Santoso, 2021).

A systematic description of the relationship between concepts or variables that are used as the basis for normative juridical analysis of the process of establishing community organizations (CSOs), the problem of management dualism, and the role of the National and Political Unity Agency (Kesbangpol) in solving it.

1. Freedom of Association as a Constitutional Right

The Indonesian Constitution guarantees freedom of association and assembly as stated in Article 28E paragraph (3) of the 1945 Constitution of the Republic of

Indonesia. This guarantee provides a legal basis for the existence of CSOs as part of civil society in a democratic country. However, in practice, this freedom must be balanced with adequate legal arrangements so that CSOs do not conflict with constitutional values and national laws (Santosa, 2021).

2. The Process of Establishing CSOs Based on Law No. 17 of 2013 and its Amendments to Law No. 16 of 2017

The process of establishing CSOs has been detailed in Law No. 17 of 2013 and amended by Law No. 16 of 2017. This regulation stipulates the obligation to register mass organizations with the government as a form of legalization and state supervision. In this frame of mind, the registration of CSOs is understood as the starting point for legal recognition of community organizations which are then subject to the government's coaching and supervision system. However, the transition from Law No. 17/2013 to Law No. 16/2017 has serious implications, as it gives the government the authority to dissolve CSOs without going through the judicial process. This is a critical spotlight in the framework of thinking because it has the potential to violate the principles of *due process of law* and the principle of the rule of law (Wahyuni & Santoso, 2020).

3. Dualism of CSOs Management as an Internal Problem

Dualism in the management of CSOs often arises due to internal organizational conflicts stemming from power struggles, differing visions, or external intervention. This dualism creates legal uncertainty and affects the effectiveness of implementing work programs, the legitimacy of management, and public trust in mass organizations themselves (Rahman, 2021).

This frame of thinking posits that management dualism is a dependent variable that arises from the weaknesses of the supervisory system, weak organizational management, and the lack of adequate internal dispute resolution mechanisms.

4. The Strategic Role of the Kesbangpol Agency

In the context of CSOs' supervision, the National and Political Unity Agency (Kesbangpol) has a function as an institution that provides guidance, administrative supervision, and mediation for CSOs experiencing conflicts, including management dualism.

This frame of mind positions Kesbangpol as an independent variable that facilitates the resolution of internal conflicts through mediation and social

communication approaches. However, the effectiveness of the role of Kesbangpol depends on several factors, namely:

- Availability of technical regulations (implementing regulations),
- Human resource capacity,
- Budget availability,
- Synergy between institutions (Polri, Ministry of Home Affairs),
- Data systems and information technology (Yulia & Hendra, 2021; Indrawati & Putra, 2020).

5. Imbalance between Regulation and Implementation

This frame of thinking also reveals a gap between ideal legal norms (*das sollen*) and actual implementation practices in the field (*das sein*). Regulations have regulated the establishment and dissolution of CSOs, but have not specifically described the mechanism for resolving internal dualism. The absence of this arrangement makes it difficult for Kesbangpol to act in conflict cases, and the settlement is often left to the courts, which requires time and money (Wijaya, 2022).

6. The Urgency of Regulatory Evaluation and Institutional Strengthening

In this frame of mind, the solution to the problem of dualism and weak supervision of CSOs is understood as a result of:

- Regulations that are not comprehensive,
- The lack of internal mechanisms for conflict resolution,
- The weak position of Kesbangpol as a facilitator of internal conflict resolution.

Thus, a thorough evaluation of laws and regulations is necessary, along with strengthening the institutional capacity of Kesbangpol and developing an internal mediation system for mass organizations based on the principles of participatory democracy and respect for human rights.

METHODS

Types of Research

The type of research used in this scientific paper is normative juridical research. Normative juridical research is a method of legal research that is carried out by examining primary, secondary, and tertiary legal materials, and analyzing how these legal norms apply in

reality. The main focus of this method is positive legal norms, so the object of study is relevant legal documents, laws and regulations, and legal theories.

This study does not use field data in the form of interviews or observations, but purely relies on the analysis of legal documents and literature as study materials. This normative juridical research is very suitable to be used to examine the dualism conflict of the management of community organizations (CSOs), assess the role and limits of the authority of Kesbangpol, and examine the validity of the dissolution of CSOs without a judicial process based on Law No. 16 of 2017 which replaces Law No. 17 of 2013.

Research Material Source

The legal materials used in this study consist of three types, namely:

a. Primary Legal Materials

Primary legal materials are the main source of authoritative law. In this study, primary legal materials include:

- The 1945 Constitution of the Republic of Indonesia, especially Article 1 paragraph (3) and Article 28E paragraph (3) concerning the rule of law and freedom of association.
- Law Number 17 of 2013 concerning Community Organizations.
- Law Number 16 of 2017 concerning Amendments to Law Number 17 of 2013.
- Constitutional Court decisions related to the dissolution of mass organizations or guarantees of freedom of association.
- Implementing regulations from the Ministry of Home Affairs and other technical regulations governing mass organizations and the role of Kesbangpol.

b. Secondary Legal Materials

Secondary legal material is material that provides explanations or comments on primary legal material. In this study, secondary legal materials include:

- Textbooks of constitutional law, state administrative law, and state theory of law.
- Articles from legal scientific journals published at least in 2020, both nationally and internationally.
- The results of previous research are relevant to the theme of mass organizations, Kesbangpol, and the supervision of state institutions.

c. Tertiary Legal Materials

Tertiary legal materials serve as a complement and explanation to primary and secondary legal materials. These ingredients include:

- Legal dictionary,
- Encyclopedia of law,
- Indonesian dictionary to support the clarity of legal definitions and terminology used in research papers.

Research Data Collection Methods

Data collection in this normative juridical research is carried out using the library research method. This method is employed because the object of study is a legal document, rather than empirical data. Literature studies are conducted through a systematic search for various sources of relevant and valid legal literature.

The data collection process is carried out systematically by:

- Access and download the latest laws and regulations through official government websites such as peraturan.bpk.go.id.
- Collecting articles from national law journals indexed by SINTA and international journals based on Scopus or DOAJ.
- Examine the content of the latest published legal textbooks (at least in 2020) available in campus libraries and trusted online sources.
- Document important citations and record references in a structured manner using tools such as Mendeley or Zotero.

Data collection is carried out with a focus on the credibility and accuracy of legal sources. Only legitimate and academic sources are used as the main reference in this study.

4. Stages / Process in Research Data Collection

The data collection process in this study is carried out through several stages as follows:

a. Problem Identification

The initial stage began by identifying the main problems, namely the dualism in the management of CSOs and the controversy surrounding the dissolution of CSOs without a judicial process. The researcher examines the historical and political context of the amendment from Law No. 17 of 2013 to Law No. 16 of 2017.

b. Inventory of Regulations and Legal Documents

The second step is to inventory all regulations related to community organizations, including laws, government regulations, ministerial regulations, and Constitutional Court decisions that can serve as legal precedents in this context.

c. Search of Scientific Literature

The third step is to search for and select relevant academic literature, including journal articles, legal research results, and textbooks. The researcher used keywords such as "dualism of mass organizations", "dissolution of mass organizations", "role of Kesbangpol", "normative juridical", and "state of law".

d. Data Classification and Categorization

All the data obtained are classified by topic, such as:

- Data on the right to association in the constitution,
- Data on the legal regulation of mass organizations,
- Data on the implementation of CSO supervision by Kesbangpol.

e. Critical Analysis of the Contents of the Document

After the data is classified, the researcher conducts a critical content analysis to assess the suitability between legal theory and regulatory implementation in the field. These inconsistencies are the basis of analysis in the discussion.

f. Preparation of Legal Arguments

Based on the data collected and analyzed, the researcher began to formulate legal arguments to answer the problem that had been formulated.

5. Research Data Analysis Method

The data analysis method in this study is qualitative analysis with a normative juridical approach. The data collected from various legal documents are analyzed descriptively and interpretively, with an emphasis on legal reasoning and normative argumentation.

The analysis is carried out in several steps:

- Normative description: Explain the content and meaning of applicable laws and regulations.
- Systematic interpretation: Interpreting legal provisions by linking one norm to another.
- Comparative analysis: Used to compare the previous regulation (Law No. 17 of 2013) with the new regulation (Law No. 16 of 2017), especially regarding the mechanism for the dissolution of CSOs.
- Evaluation of legal principles: Assess whether the government's policy of dissolving CSOs without a court is in accordance with the principles of *due process of law*, the *rule of law*, and human rights protection.

The results of this analysis are then presented logically and systematically to address the formulated problem and achieve the research objectives.

DISCUSSION

The Process of Establishing Community Organizations (CSOs) from the Perspective of Law No. 17 of 2013 and Law No. 16 of 2017

The process of establishing Community Organizations (CSOs) is legally regulated in Law Number 17 of 2013, which was later amended to Law Number 16 of 2017 concerning Community Organizations. In the regulation, there is a provision that requires each CSO to register officially and obtain approval from the government as a form of legal legitimacy for these entities. This process involves administrative requirements that must be met, including clear management, preparation of the Articles of Association and Bylaws (AD/ART), as well as objectives and work programs in accordance with applicable laws and regulations (Saputra, 2022).

The registration of CSOs is a crucial foundation that enables them to be legally recognized and operate in their role as government partners in national development. Without this legality, CSOs lack a strong legal status and are prone to issues such as the abuse of organizational functions and internal conflicts (Pratama, 2022). It also stipulates that CSOs operate in a transparent and accountable manner, allowing the government to carry out adequate supervision and prevent irregularities that could harm the community (Hidayat & Kusuma, 2023).

However, in the field, obstacles persist in implementing the process of establishing this CSO. Many CSOs are established without going through the proper registration procedures, so their existence is not officially recognized and is challenging for the government to supervise. This phenomenon reveals a lack of socialization and public understanding of the importance of CSOs' legality, as well as the limited capacity of the supervisory apparatus to enforce the administrative rules of CSOs. This condition has the potential to cause organizations to operate "in the dark" without precise legal control, thus posing a risk of conflict and social disintegration (Fauzi, 2023).

Additionally, the purpose of the regulation is to prevent the abuse of mass organizations as a political tool or means of power by certain groups. Arrangements regarding AD/ART and work programs must be in harmony with constitutional provisions to serve as a filter, ensuring that established CSOs make a positive contribution to national development and are not used for personal or group interests (Yulia et al., 2021). However, the government's authority to dissolve CSOs, as outlined in Article 59 of Law No. 16 of 2017, must be exercised carefully,

maintaining the principles of freedom of association and assembly guaranteed by the constitution, so as not to cause conflicts of interest or human rights violations (Hartono, 2021).

Thus, the process of establishing CSOs within the legal framework in Indonesia is not only limited to fulfilling formal administrative aspects, but must also be balanced with supervision and coaching so that CSOs can play an optimal role as a pillar of democracy and social development. Strengthening legal understanding and increasing the capacity of supervisory officials is a crucial key to effectively realizing the goals of this regulation in society (Yusuf & Rahman, 2023).

Dualism of CSOs: Legal and Social Causes and Impacts

Management dualism in Community Organizations (CSOs) is a phenomenon that occurs frequently and is one of the significant structural problems in these organizations. This dualism usually arises due to differences of views, power competition, or conflicts of interest within the internal CSOs themselves. In addition, the intervention of external parties, such as political and economic actors, can also trigger the occurrence of management dualism, which ultimately divides organizations and hinders the performance of CSOs in fulfilling their social functions (Yusuf & Rahman, 2023).

Legally, management dualism creates uncertainty in the legal status of CSOs. This ambiguity affects the validity of the actions and decisions made by the disputed administrators. For example, official documents, agreements, or CSOs activities carried out by one of the management can be questioned for their validity in the eyes of the law (Pramono, W. I., & Munandar, 2020). This not only hinders the smooth operation of CSOs' activities but also increases the risk of prolonged conflicts that have the potential to lead to legal disputes in court (Fadhilah, 2021).

From the social side, the dualism of CSOs harms the public's image and trust in the organization. Prolonged internal conflicts can disrupt social stability and undermine the role of CSOs as mediators and social control in community development (Prasetyo & Yuliani, 2023). This conflict can also be exploited by certain parties for their own political or economic interests, thereby damaging the social order and causing broader tensions (Rahman, 2021).

Furthermore, dualism in CSOs also has the potential to cause riots and horizontal conflicts in society if not resolved immediately. This condition is hazardous because CSOs often have a broad mass base and are socially and politically influential. When dualism

escalates into open conflict, it can trigger community divisions and lead to local and national security instability (Wijaya, 2022).

Therefore, resolving the issue of dualism in the management of CSOs is crucial to maintaining the function of CSOs as a vital element in democracy and social development. A proper and effective settlement approach is necessary to prevent dualism from dragging on and harming the organizational order and society at large (Hartono, 2021).

The Strategic Role of the Kesbangpol Agency in Overcoming the Dualism of CSOs

The National and Political Unity Agency (Kesbangpol) plays a vital role in fostering and supervising Community Organizations (CSOs), particularly in addressing the issue of management dualism that can disrupt organizational and social stability. As an institution under the local government, Kesbangpol is tasked with ensuring that each CSO operates under the applicable laws and AD/ART, as well as maintaining the continuity of CSOs' functions in national and social development (Susanto, 2021).

Kesbangpol not only acts as an administrative supervisor but also as a mediator in resolving internal conflicts within mass organizations. Through a mediation and dialogue approach, Kesbangpol seeks to unite management that is at odds to reach a mutual agreement without having to take a lengthy legal route and potentially complicate the situation. Handling dualism through mediation is important to maintain social harmony and prevent horizontal conflicts that can have a broad impact on regional security (Dewi, L., & Hidayat, R., 2022).

However, in practice, Kesbangpol often faces obstacles, including limited human resources, inadequate budgets, and a lack of regulatory tools that specifically address the mechanism for resolving the dualism of CSOs effectively. In addition, the lack of coordination between Kesbangpol and law enforcement officials, as well as other related agencies, is also a challenge in resolving internal disputes between CSOs completely (Dewi, L., & Hidayat, R., 2022).

Therefore, strengthening the capacity of Kesbangpol is necessary, both by increasing the number of competent human resources in organizational law and conflict mediation, as well as by adding regulations that detail the mechanism for resolving the dualism of mass organizations. Synergy between institutions such as the Police, the Ministry of Home Affairs, and other law enforcement agencies must also be strengthened to support the role of Kesbangpol in maintaining order and stability of mass organizations (Wijaya, 2022).

With this strengthening, Kesbangpol is expected to be able to carry out its functions of supervision and coaching more effectively, as well as become a facilitator that can quickly and fairly overcome the dualism in CSOs' management without causing prolonged conflicts. This effort aligns with the goal of Law No. 16 of 2017 to establish CSOs that are administratively orderly and contribute positively to national development (Indrawati & Putra, 2020).

Regulation and Implementation Framework in Handling the Dualism of CSOs

The regulatory framework governing Community Organizations (CSOs) in Law No. 16 of 2017, a revision of Law No. 17 of 2013, provides a strong legal basis for the establishment, supervision, and dissolution of CSOs. However, regarding the solution to the problem of dualism in the management of CSOs, the existing regulations are still inadequate and less specific. Article 59 of Law No. 16 of 2017 grants the government the authority to dissolve CSOs that commit violations, but does not specify the mechanism for resolving internal conflicts, such as management dualism (Yusuf, M., & Prasetyo, 2021).

The absence of detailed rules for resolving dualism often necessitates the pursuit of this problem through protracted legal proceedings in court, thereby hindering the functioning of CSOs and exacerbating internal conflicts. This also results in legal uncertainty for members and third parties related to the CSOs, including in asset management and the implementation of organizational programs (Indrawati & Putra, 2020).

According to Yuliana and Sari (2021), to overcome this problem, a more comprehensive implementing regulation is needed that regulates mediation procedures, the role of supervisory institutions such as Kesbangpol, and the mechanism for resolving internal disputes between CSOs administratively. This type of regulation will expedite the resolution of dualism without relying on court decisions that can take a long time (Indrawati & Putra, 2020).

In addition, the aspect of protecting the right to organize must be maintained so that there is no abuse of authority that can harm the freedom of association and assembly guaranteed by the Constitution. The principles of democracy and respect for human rights must be the foundation for addressing dualism, ensuring that the settlement does not lead to discrimination or excessive repressive actions (Saputra, 2023).

Implementing regulations, such as Government Regulations or Ministerial Regulations, that regulate internal dispute resolution mechanisms for CSOs, mediation, and the role of supervisory institutions is urgently needed to fill the void in this norm. Clear regulations will

also strengthen the legitimacy of Kesbangpol in taking preventive and corrective steps against internal conflicts between CSOs (Saputra, 2022).

With a clear regulatory framework and consistent implementation, it is hoped that the dualism in CSOs' management can be resolved quickly and effectively, allowing CSOs to resume their social and political functions properly, support development, and maintain social stability (Wijaya, 2021).

Efforts to Strengthen the Capacity of Kesbangpol and Inter-Institutional Synergy in Overcoming the Dualism of CSOs

Strengthening the National and Political Unity Agency (Kesbangpol) is crucial in addressing the dualism of Community Organizations (CSOs). As an institution with the authority to coach, supervise, and mediate CSOs, Kesbangpol must have an adequate capacity to carry out its functions effectively and efficiently (Putri & Santoso, 2021).

One of the main aspects in strengthening Kesbangpol is the improvement of human resources (HR) through special training and education related to conflict management, community organization law, as well as mediation and political communication techniques. According to Ramadhani (2022), the adequate competence of Kesbangpol human resources can reduce internal conflicts within CSOs, including management dualism, through a preventive approach that emphasizes dialogue and negotiation, rather than repressive actions (Ramadhani, 2022).

In addition to training, an increase in the budget is also needed so that Kesbangpol can carry out its supervision and mediation functions more optimally. Adequate funds enable Kesbangpol to conduct intensive regulatory socialization with CSOs, ensuring they understand their administrative obligations and correct organizational governance (Susanto, 2021).

Synergy between related government agencies is also the key to the success of handling the dualism of CSOs. Kesbangpol cannot overcome this problem alone. Close cooperation with the Police, the Ministry of Home Affairs, and other relevant legal institutions is necessary to accelerate conflict resolution and enforce the rule of law in cases of serious violations (Hidayat & Kusuma, 2023).

According to Pranoto and Firdaus (2020), effective coordination between Kesbangpol and law enforcement officials can create a deterrent effect for mass organizations that abuse their authority or carry out actions that disrupt public order. Furthermore, this synergy enhances

the legitimacy of the government in overseeing and managing the presence of CSOs at both regional and national levels (Pranoto & Firdaus, 2020).

The application of information technology is also a strategic aspect in strengthening Kesbangpol. The use of an integrated digital database system allows real-time monitoring of CSOs, including the status of management and organizational activities. This makes it easier for Kesbangpol to identify potential conflicts or rule violations, allowing them to respond quickly (Yulia & Hendra, 2021).

Furthermore, Kesbangpol also needs to develop a systematic mediation mechanism based on the active participation of CSO members. A mediation model that involves all relevant parties inclusively can strengthen the legitimacy of the resolution's results and minimize the potential for recurring conflicts (Yulia & Hendra, 2021).

In addition to focusing on conflict resolution, Kesbangpol must also seek continuous guidance from CSOs so that organizations can manage their internal affairs professionally and transparently. Training programs in organizational management, financial governance, and understanding of CSOs' laws are important for reducing the risk of internal conflicts early (Yulia & Hendra, 2021).

The policy of strengthening Kesbangpol must also be supported by regulations that clarify the authority and work procedures of this institution, particularly regarding the handling of dualism within mass organizations. Clear regulations will enable Kesbangpol to act promptly and effectively without raising legal doubts or conflicts of authority between institutions (Yulia & Hendra, 2021).

In the context of healthy democratic development, Kesbangpol must also fulfill the function of educating the public and CSOs about the importance of internal democracy, organizational transparency, and respect for the rights of members. This collective consciousness will suppress the occurrence of internal conflicts that lead to dualism (Yulia & Hendra, 2021).

Finally, the strengthening of Kesbangpol as a supervisory institution for CSOs must be balanced with openness and transparency of its performance to the public. The public reporting and supervision mechanism can increase the accountability of Kesbangpol while building public trust in this institution (Hartono, 2021).

By strengthening human resource capacity, budget, synergy between institutions, the use of technology, and supportive regulations, Kesbangpol can be at the forefront of overcoming the problem of dualism of mass organizations. This effort not only maintains social

and political stability but also supports the role of CSOs as government partners in sustainable national development (Yusuf & Rahman, 2023).

CONCLUSION

After conducting an in-depth study related to the process of establishing community organizations (CSOs) in Indonesia based on the regulations of Law No. 17 of 2013 and amendments to Law No. 16 of 2017, it can be concluded that although the legal framework already exists as the foundation of the legality of CSOs, its implementation still experiences various real obstacles. The administrative process that is not fully understood by the public causes many CSOs to operate without official registration, making it difficult to supervise and raising the risk of misusing CSOs as a tool for the interests of certain groups. In addition, the phenomenon of management dualism, which often occurs in CSOs, reveals weaknesses in organizational governance and legal uncertainty that can lead to prolonged internal conflicts and disruption of social stability.

The strategic role of the National and Political Unity Agency (Kesbangpol) in supervision, coaching, and mediation is indispensable to overcoming this dualistic conflict. However, Kesbangpol is currently still facing various limitations, both in terms of human resources and regulatory support that is less specific and comprehensive. The lack of synergy between Kesbangpol and other law enforcement officials, such as the Police and the Ministry of Home Affairs, is also an obstacle in handling more complex CSOs. Therefore, strengthening institutional capacity and improving cross-agency coordination is an essential step to ensure that the solution to the problem of dualism and the management of CSOs can run effectively, orderly, and by the principles of democracy and respect for human rights.

The resolution of CSOs must prioritize a fair and democratic mechanism through mediation and internal dialogue without causing prolonged conflicts that damage the social order. Intensive education and socialization of the public about the procedures for establishing CSOs is also urgently needed to prevent the emergence of CSOs that operate illegally. This entire process is expected to strengthen the role of CSOs as partners of the government in sustainable national development and uphold national values and democracy.

Suggestion

1. **Development and Improvement of Regulations.** A more detailed and comprehensive regulatory update is needed regarding the internal governance of CSOs, particularly regarding the mechanism for resolving conflicts related to management dualism. The

government needs to draft clear implementing regulations so that the conflict resolution process can take place more efficiently, transparently, and accountably, without requiring a lengthy legal process and burdening the judiciary.

2. Strengthening the Capacity of the Kesbangpol Agency must be given priority in enhancing institutional capacity, starting from increasing the number and quality of human resources, allocating adequate budgets, and providing exceptional training related to conflict management, community organization law, and political communication. This will increase the effectiveness of Kesbangpol in supervising, coaching, and mediating internal conflicts of CSOs.
3. Increasing Synergy and Coordination Between Institutions Strengthening synergy between Kesbangpol, the Police, the Ministry of Home Affairs, and other related agencies is vital to ensure that the handling of CSOs' problems is carried out in an integrated and professional manner. Good coordination will accelerate dispute resolution and law enforcement against CSOs' violations effectively and efficiently.
4. Increasing Socialization and Public Education Continuous socialization about the importance of the legality of CSOs and establishment procedures must be carried out intensively in the community, especially CSOs and prospective founders of CSOs. This education aims to prevent the establishment of CSOs that operate without official permits, which can have negative legal and social impacts.
5. Development of an Effective Internal Mediation Mechanism. Kesbangpol and the government must develop a systematic and sustainable mediation mechanism as an alternative to resolving the conflict between CSOs. This mechanism must be based on dialogue that prioritizes common interests and the principles of democracy and justice, thereby maintaining social stability while respecting the right to organize.
6. The use of information technology for the supervision of CSOs. The use of information technology in supervising CSOs' administration and activities can help expedite the registration, monitoring, and transparency of CSOs' data. An integrated digital system can be an effective tool for reducing fraud gaps and increasing the accountability of CSOs.
7. Implementation of Periodic Evaluation of CSOs. The Government and Kesbangpol need to conduct periodic evaluations of registered CSOs to ensure their compliance with AD/ART and applicable regulations. This evaluation will help identify potential

internal conflicts and mismatches in organizational goals early on, allowing for preventive actions to be taken.

8. Enhancing the Role of Academics and Researchers in Support of In-depth Research and Academic Studies on CSOs' dynamics and management dualism can provide stronger data-driven recommendations for policymakers and practitioners. Cooperation among governments, research institutions, and universities needs to be enhanced to develop innovative and practical solutions.
9. Protection of Organizational Rights and Freedom of Association. In every effort to monitor and resolve conflicts between civil society organizations (CSOs), the government must uphold the principles of freedom of association and the right to organize, as enshrined in the Constitution and international human rights law. Surveillance should not be used as a tool to silence legitimate organizations.
10. Increasing Community Involvement and Empowering CSOs in Community Supervision, allowing CSOs themselves to participate in the internal supervision of the organization. Increasing collective awareness will help create a healthy organizational culture and reduce the potential for internal conflicts and misuse of CSOs.

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