



Criminological Analysis of Violence and Anarchist Demonstration Conducted by the Front Pembela Islam (FPI) Mass Organization (Ormas)

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ABSTRACT

In a nation where the freedom of association, assembly, and expression is protected exclusively by its Constitution, Indonesia isn't a stranger to mass organizations (Ormas) created by its citizens. With the Ormas Law, Ormas is regulated and supervised, but it doesn't take forever for an Ormas to rebel and act by their own rules, such as the FPI Ormas. With an extensive history on violence and public disruption, this research is aimed to analyse the sociological and psychological factors behind FPI's illegal behaviours through the eyes of criminology, and what can be done to prevent similar cases in the future. It has been found that sociology and psychology play a heavy part on influencing the illegal acts and fanatic mindset of FPI members, birthing a series of violations against the Ormas Law and even the Criminal Code. While FPI has been disbanded since 2020, it's important to learn from the past and improve the supervision of Ormas in Indonesia to prevent the rising of another FPI.

INTRODUCTION

One of the rights considered as a fundamental human right is the freedom of association, assembly, and expression (Elfudllatsani, Isharyanto, and Riwanto, 2019). These three principal rights are known as the basic freedoms that are part of the concept of human rights. The universal legal framework for the freedom to associate and express oneself is regulated in Article 20 of the Universal Declaration of Human Rights (UDHR); Article 21 of the International Covenant on Civil and Political Rights; Article 5 letter d point viii of the Convention on the Elimination of Racial Discrimination, and most recently Resolution No. 15/21 of "The rights to freedom of peaceful assembly and of association" adopted by the UN Human Rights Council on October 6, 2010. Furthermore, nationally, protection of rights related to freedom of association, assembly, and expression is regulated in the 1945 Constitution and Law No. 39 of 1999 concerning Human Rights. Specifically, Article 28E paragraph (3) of the 1945 Constitution ("**UUD 1945**") stipulates that "every person has the right to freedom of association, assembly, and expression." This provision of UUD 1945 is then reaffirmed in Article 24 of Law No. 39 of 1999 concerning Human Rights, which states: "*every person has the right to assemble, congregate, and associate for peaceful purposes. Every citizen or community group has the right to establish a political party, non-governmental organization, or other organizations to participate in the governance and administration of the state in line with the demands for protection, enforcement, and advancement of human rights,*" (ICJR, 2024).

One form of implementation of the right to associate and assemble is through Mass Organizations ("**Ormas**"). Humans as social beings need a platform to actualize themselves through the freedom to associate and assemble. In the lens of democracy, Ormas is a manifestation of the meaning of democracy that upholds the values of freedom, equality, togetherness, and honesty. In Law Number 17 of 2013 concerning Community Organizations, as amended by Substitute Law Number 2 of 2017 ("**Ormas Law**"), it is regulated regarding Ormas as organizations established voluntarily by the community based on the similarity of aspirations, will, needs, interests, activities, and goals to participate in development towards the achievement of the goals of Indonesia based on Pancasila. In terms of legality, Ormas itself can be legal entities or non-legal entities. Interestingly, legal entity Ormas can be established in the form of associations or foundations. For member-based Ormas, the choice is to be a legal entity of an association. Meanwhile, for non-member-based Ormas, the choice is to be a legal entity of a foundation. In addition, legal entity Ormas do not need a Certificate of Registered Organization ("**SKT**") because they have been declared registered as Ormas after obtaining legal entity approval from the Ministry of Law and Human Rights (Kementerian Hukum dan HAM/Kemenkumham). Meanwhile, for non-legal entity Ormas, they are declared registered as Ormas after obtaining SKT by registering with the Ministry of Home Affairs (Kementerian Dalam Negeri/Kemendagri) (DPR RI, 2024).

The dynamics of Ormas in Indonesia from every change in the Indonesian government system have always evolved and brought new paradigms. Before the era of independence, Ormas was so characteristic as the

main vehicle to achieve independence through various movements, such as Boedi Oetomo (1908), Muhammadiyah (1912), and Nahdlatul Ulama (1926). Various independence movements have proven that the role and track record of Ormas that have fought sincerely and voluntarily contain historical value and are very important assets for the journey of the nation. Until now, the growth in the number, distribution, and types of activities of Ormas has made the role, function, and responsibility of Ormas to participate in efforts to realize the national ideals of the Indonesian nation, as well as maintain and preserve the unity of the Republic of Indonesia.

There are approximately 139,957 registered Ormas in Indonesia (Wibowo and Harefa, 2015). The principles of a healthy Ormas as a non-profit organization that is democratic, professional, independent, transparent, and accountable. The large number, types, forms, activities, and goals of Ormas create very high dynamics of social organizations. On one hand, the rights and freedoms of every citizen must be fulfilled, but on the other hand, the rights to obtain security and public order must also be fulfilled. Differences between Ormas can lead to various problems that can disrupt the peace and order of society. In their daily activities, it must be acknowledged that community organizations are not exempt from negative things that harm society and damage the image of the community organization itself. For example, there are community organizations with motivations to seek economic and political benefits or use violent methods to achieve their goals.

Nowadays, the issue of Ormas has always been lively in the news, intimidation, attacks, violence, as if very attached to the existence of Ormas in Indonesia, such as vandalism act by Pemuda Pancasila (PP), illegal parking, and seizure of land . This causes Ormas to be synonymous with demonstrations that lead to rebellion, violence, or even conducting sweeps against dissenting parties. The implication is that the existence of Ormas makes people uneasy with attacks on certain groups. Meanwhile, Kemendagri, which is tasked with overseeing the existence of Ormas, faces difficulties in monitoring and providing guidance, especially since many Ormas have not been officially registered with Kemendagri, making it difficult for Kemendagri to impose sanctions on Ormas that violate peace and security without implementing rules from Law No. 17/2013. Therefore, the dynamics of Ormas should be firmer and more comprehensive through legislation.

THEORETICAL REVIEW

The importance of the formation and drafting of laws can be seen from various demonstration actions that lead to violence and rebellion. One of the most controversial cases is the radical behavior and illegal actions carried out by the Islamic Defenders Front Organization (Front Pembela Islam/FPI). Some specific cases include attacks on the Indonesian Ahmadiyya Congregation in Makassar on August 14, 2011, vandalism of shops suspected of selling alcoholic beverages on July 19, 2012, and attacks on Shia groups during the Asyura celebration in Makassar on November 14, 2013. These actions resulted in severe injuries and bruises. Another major case is the riot on October 3, 2014, in front of

the Jakarta Provincial DPRD building in opposition to the inauguration of Ahok as Governor of Jakarta. This demonstration led to riots involving stone throwing and injuries to police officers. FPI rejected Ahok as a leader on religious grounds and presented seven demands regarding this matter. After examination, the police designated 22 suspects charged with Articles 160, 170, and 214 of the Criminal Code. The dissolution of FPI in 2020 was based on a Joint Decree from Kemendagri, Kemenkumham, and Kemenkominfo (Minister of Communication and Informatics). Reasons for dissolution include violations of the Ormas Law, articles of association contrary to the law, involvement in terrorist acts, and illegal raids that should be the authority of law enforcement agencies. This action was taken to maintain the security and stability of society and enforce the law.

This is a real portrait where Ormas, which should conduct its activities in accordance with legal norms, instead creates an illegal civil society. According to Jimly Asshiddiqie, in national life, organizations formed by society (civil society) must be in line with the development of ideas regarding the principles of "legal and constitutional government" and the concept of "good governance", meaning that all Ormas in Indonesia must also follow these principles to maintain the dignity of Ormas and create a safe and peaceful national environment for both the state and other communities. However, judging from various news reports and activity patterns of the majority of Ormas in Indonesia, the dignity of Ormas that prioritize the freedom to associate, assemble, and speak often ends up with criminal charges. Moreover, many civilians feel that the role of Ormas is not essential because it causes vandalism to buildings or community properties.

Currently, law enforcement through regulations and authorities is not sufficient to curb various violations and crimes committed by Ormas that have deviated from legal norms. Various prohibitions, sanctions, and obligations that should be complied with by Ormas seem unable to anticipate violations and crimes committed by various Ormas. Therefore, the factors that cause Ormas to commit crimes need to be studied first, which can be studied through the perspective of criminology, because crime is an issue that brings together the relationship between criminology and criminal law since the object of study of criminology and criminal law are both related to the problem of crime. This perspective is needed to see the factors causing crimes by FPI, including the roots of the conflict through various sociological, psychological, and legal approaches. Through a criminological approach, it can cover its relation to the culture within Ormas. Certainly, the public's judgment can also be reviewed from a criminological perspective, which from a criminal law perspective only judges someone based on criminal accountability or penalties that can be applied to the perpetrator of a crime, but the criminological perspective can enter the realm of the causes of crime, as well as solutions to overcome it. Therefore, this criminological approach is expected to bring new insights so that the positive laws of Indonesia can anticipate illegal movements within society. Based on the above description, the problems in this study are as follows:

1. What are criminological, sociological, and psychological factors underlie the crimes committed by the FPI Ormas in this case?
2. How can the perspective of positive law in Indonesia be used as a guideline to anticipate the recurrence of illegal society movements?

METHODOLOGY

The normative juridical research method supported by the primary source Law Number 17 of 2013 concerning Community Organizations, as amended by Substitute Law Number 2 of 2017, serves as a crucial foundation in analysing the legal framework governing community organizations. Through this approach, researchers can investigate the normative aspects of the applicable legislation, including its objectives, scope, and implementation mechanisms. By referring to the primary source, the research can gain a profound understanding of the legal concepts contained therein and their impact on legal practice in the field.

RESEARCH RESULTS and DISCUSSION

Criminological, Sociological, and Psychological Factors behind the Crimes Committed by FPI

The Legality of Ormas According to Indonesian Law

Ormas play a crucial role in facilitating community members to express their opinions, ideas, and enhance active participation in building communal life. Through Ormas, the populace can contribute to fostering democratic values, justice, and welfare, which are fundamental to a harmonious society. Ormas represent active societal participation in the social development process. In the current adult society context, the dynamics of inter-community relationships have undergone significant changes. Previously hierarchical patterns of relationships are now increasingly open and flexible, particularly with the strengthening of autonomy in governance management and community self-reliance. This reflects a consciousness and aspiration to build a more inclusive and democratic society (Amer and Muhtar, 2023). The establishment of Ormas marks the beginning of creating a platform enabling active participation of the community. Thus, it is mandated by the Ormas Law. Article 9 of the Ormas Law states that Ormas can be established by a minimum of three or more Indonesian citizens. Furthermore, Article 10 paragraph (1) and Article 10 paragraph (2) of the Ormas Law provide options regarding the formational structure of Ormas, whether they are legal entities or not, and whether they are membership-based or not. This flexibility afforded by the Ormas Law adequately caters to communities intending to establish Ormas in line with their respective characteristics and objectives.

Regarding the establishment of legal entity associations, Article 12 paragraph (1) of the Ormas Law stipulates that it requires the drafting of a founding deed by a notary, encompassing the Articles of Association (AoA) and Bylaws of the Ormas. The AoA and Bylaws are crucial documents governing the

legal foundation, organizational structure, objectives, and operational rules of the Ormas. Transparency and precision in drafting the AoA and Bylaws are key to preventing conflicts and ensuring the sustainability of the Ormas. Additionally, Ormas need to develop a work program comprising activity plans, objectives, and strategies. This work program serves as a guide for the Ormas in conducting its activities in line with its vision and mission. Furthermore, Ormas must provide information regarding the funding sources to support their operational activities. This includes the origin of funds, fund management plans, and the sustainability of funding, as stipulated in Article 12 paragraph (1) of the Ormas Law. Other requirements include obtaining a domicile certificate stating the address of the Ormas' office or activities venue. This domicile certificate is necessary as proof of the legality of the Ormas' activity venue and is one of the requirements for obtaining legal entity status. Ormas must also obtain a Taxpayer Identification Number (NPWP) in the name of the association, required for administrative and taxation purposes. Additionally, Ormas must submit a statement declaring that the organization is not currently involved in management disputes or legal proceedings. This is important to ensure that the organization operates legally and is not entangled in legal issues that may disrupt its operational activities. After all requirements are met, the process of approval as a legal entity association is conducted by the minister responsible for governance in the legal and human rights field.

In outlining the approval process, detailed regulations are found in Article 12 paragraph (2) of the Ormas Law, which mandates that the approval of Ormas as legal entity associations is granted by the minister responsible for governance in the legal and human rights field. This indicates that the approval process for Ormas is directly related to legal aspects and the protection of human rights, thus carried out by officials with authority and expertise in this field. Furthermore, Article 12 paragraph (3) emphasizes that the approval of Ormas as legal entity associations is granted after consulting relevant authorities. These consultations may include evaluating the completeness of Ormas establishment documents, verifying the provided information, and assessing the Ormas' suitability for legal entity status. Finally, Article 12 paragraph (4) asserts that further regulations regarding legal entity associations are governed by overarching laws. This indicates that the approval process for Ormas as legal entity associations is not solely based on regulations written in Article 12, but is also related to broader provisions regulated by law. These further regulations may include procedures, requirements, and criteria that Ormas must fulfill to obtain legal entity status.

FPI as a Radical Ormas and Their Tendencies to Conduct Civil Society Illegal Movements

On August 17, 1998, FPI was founded by Muhammad Rizieq Shihab along with several scholars and thousands of Muslims in Jakarta. FPI was established with the aim of becoming a collaborative platform for Muslims to uphold virtues and reject vices in various aspects of life. The primary focus of FPI is to address the dissemination of religious teachings, Islamic beliefs and laws,

morality and ethics, as well as involvement in social, community, educational, cultural, economic, industrial, political, security, scientific, technological, and other relevant sectors of human life (Syaefudin, 2014). The term "front" describes FPI's orientation towards concrete or frontal actions in upholding the good and preventing the bad according to the teachings of Islam, indicating that the goal of FPI is to provide a platform for Muslim communities to voice their concrete actions in upholding Islamic teachings and focusing on what is good while preventing what is bad. Furthermore, the term "defenders" emphasizes FPI's proactive role in defending truth and justice. This indicates that the establishment of FPI is not only reactive to injustice but also strives to be a catalyst for change and the enforcement of truth in society. The addition of the word "Islam" in the name FPI emphasizes that the organization's struggle must be based on true and noble Islamic teachings. This emphasizes the importance of adherence to Islamic values in every step and action taken by FPI, as well as affirming its identity as an Islamic organization committed to upholding religious values in various aspects of life. Overall, FPI has a clear vision and commitment to fight injustice, as well as affirming its identity as an organization based on true Islamic values.

FPI emerged as a reaction to several urgent issues perceived by some Muslims in Indonesia. Firstly, there is a perception of oppression against Muslims by military personnel and rulers, which is seen as a violation of human rights. Secondly, the increasing prevalence of vice in various sectors of life is considered a serious threat to morality and religious values. Thirdly, there is a desire to preserve and maintain the dignity and identity of Islam in the midst of society. FPI is actively involved in raids and destruction of places considered as dens of vice, such as bars, massage parlors, nightclubs, gambling venues, and prostitution. They also confront other religious groups that do not align with their version of Islam. FPI identifies itself as an organization that upholds good and prevents evil based on Islamic teachings and adheres to the creed of Ahlus Sunnah Wal Jama'ah, with a primary focus on unity and brotherhood among Muslims (Rabbina, Ridho, and Irfani, 2022). The background of the establishment of FPI was also influenced by the political and social conditions at that time. At its formation in 1998, Indonesia was undergoing a transition period after the reform era, where there was dissatisfaction with the government perceived as unfair and corrupt. In this context, FPI emerged as a voice for some Muslims who felt unrepresented by the existing government and political system. They sought to advocate for the rights of Muslims who felt marginalized, especially in upholding religious values and social justice.

However, the establishment and activities of FPI have also sparked controversy and harsh criticism from various quarters. Their actions, considered anarchic and radical, as well as their rejection of pluralism and democracy, have instilled fear and concern among the general public. Moreover, the involvement of military elements in FPI's establishment has raised speculation about hidden agendas behind the birth of this organization, reinforcing the opinion that FPI could be manipulated by certain political interests. FPI often comes under scrutiny for its radical behaviours and Illegal Society Movements. There have

been several real cases where FPI engaged in Illegal Society Movements, including:

- 1) On August 14, 2011, in Makassar, the secretariat of the Indonesian Ahmadiyya Community (JAI) was attacked by members of FPI Makassar for being considered a heretical teaching. This attack resulted in two JAI activists being injured (Detik News, 2011).
- 2) On July 19, 2012, about 50 members of FPI Makassar vandalized the Anugrah store, which was suspected of selling alcoholic beverages. They swept the store, causing damage to the premises.
- 3) A year later, on November 14, 2013, during the Asyura celebration in Makassar, around 100 members of FPI Makassar attacked a Shia group, wielding sharp weapons such as machetes and samurai swords. The attack occurred at 86 celebration locations within the SNK Darussalam Complex on Independence Pioneer Road, resulting in one severe injury and four other victims sustaining bruises (Pertiwi, 2015).

Additionally, there was a major incident on October 3, 2014, when FPI masses staged a demonstration in front of the Jakarta Provincial DPRD building opposing the inauguration of Basuki Tjahaja Purnama or Ahok as the Governor of Jakarta. This demonstration escalated into riots, with FPI masses involved in stone-throwing clashes with police officers, resulting in several injured officers, including Gambir Police Chief AKBP Putu Putera Sadana. At that time, Jakarta Central Police Chief Kombes Pol Hendro Pandowo did not anticipate that the demonstration would turn violent. He met with representatives of the demonstrators to mediate, but suddenly, stones were thrown by FPI masses, prompting the police to fire tear gas to disperse them. After the incident, FPI masses again demonstrated in front of Jakarta City Hall, where they engaged in stone-throwing clashes, met with tear gas fired by the police. The demonstration on October 3, 2014, to reject Ahok as the number one person in Jakarta was the culmination of various protests aimed at thwarting Ahok's ascent to the top position in the capital city, based on the chronology of the protest that allegedly led to riots resulting in 7 injured police officers (Abiyoso and Thohari, 2019).

The main reason for FPI's rejection of Ahok was his religious background. Ahok, who is of Chinese descent, was suspected of discriminating against Muslims according to their views. FPI spokesperson Muchsin Alatas stated that there should be no leaders who are not Muslims. This chronology reflects the illegal actions and radicalism displayed by FPI in expressing their opinions. This has created social tension and threatened the security and stability of society. After conducting the examination stages, on October 14, the police sent the file regarding the clash incident to the High Prosecutor's Office. The police named 22 suspects who were charged under Article 160 of the Criminal Code regarding Incitement, Article 170 of the Criminal Code regarding Joint

Destruction, and Article 214 of the Criminal Code regarding Resistance against officers or authorities.

In the context of demonstrations, FPI always called for the rejection of Ahok, who at the time served as the Acting Governor of Jakarta, to be inaugurated as the Governor. FPI argued that Ahok, who was not Muslim, was unfit to lead the Jakarta Province. FPI asserted their seven demands regarding the rejection of Ahok as the Governor of Jakarta. These demands include (Sekretariat Kabinet RI, 2014):

- 1) Asking Ahok to immediately resign from the position of Governor or Vice Governor of Jakarta.
- 2) Urging the Jakarta DPRD to remove Ahok from the position of Vice Governor.
- 3) Requesting the Jakarta DPRD to issue a Decree or Regulation on positions in the government held by non-Muslims.
- 4) Urging the Jakarta DPRD to prioritize the principles of proportionality and justice in the Regional Head Elections.
- 5) Asking the Jakarta DPRD to uphold sacred verses above the constitution.
- 6) Supporting the Red and White Coalition in the Indonesian House of Representatives to implement Regional Head Elections through the Regional Representative Council with the principle of deliberation and consensus.
- 7) Encouraging the elected Governor and Vice Governor of Jakarta to prioritize moral and spiritual development over purely physical development.

FPI's actions in several cases indicate that they resort to violence and intimidation as a means to express their opinions and impose their will on others. They also often reject democratic and legal processes, such as in the case of rejecting Ahok's inauguration as the Governor of Jakarta. Additionally, FPI's actions in several cases also show intolerance towards religious and belief differences. They tend to use religion as a justification for committing acts of violence and legal violations, and demonstrate an inability to respect human rights and democratic principles. The government officially disbanded FPI in 2020 and banned any activities carried out in the name of FPI. This dissolution was regulated in a Joint Ministerial Decree (SKB) signed by the Minister of Home Affairs, Minister of Law and Human Rights, and Minister of Communication and Information Technology. This decision was based on several considerations, including the existence of the Mass Organizations Law aimed at safeguarding the existence of the Pancasila ideology and the integrity of the Unitary State of the Republic of Indonesia, the contents of FPI's articles of association contradicting the law, and the involvement of FPI members in acts of terrorism and other legal violations. Moreover, FPI was also deemed to have conducted raids or sweeps in the community, which should be the task and authority of law enforcement

agencies. Therefore, the government has banned all symbols, attributes, and activities of FPI throughout Indonesia. The dissolution of FPI was carried out as a measure to uphold the law and maintain security and stability in society (Farisa and Prabowo, 2020).

Sociological and Psychological Factors behind Vigilantism Committed by FPI

The illegal societal movement carried out by FPI constitutes one of the actions that can be categorized as vigilantism. Vigilantism is a method of intimidation through violence by civilians, whether performed by individuals or specific social groups. It emerges as a phenomenon within society when the state is perceived as incapable or inefficient in addressing issues or formulating policies. According to H. Jon Rosenbaum and Peter Sederberg, there are three typologies of vigilantism (Weda, 1996):

- 1) Criminal Control Vigilantism, aimed at addressing rampant criminality.
- 2) Social Group Control Vigilantism, which aims to safeguard the authority and superiority of a particular social group's system.
- 3) Regime Control Vigilantism, directed towards overthrowing the incumbent regime.

Vigilantism's actions constitute an intervention against state authority, thus classified as a form of criminality. The typology of vigilantism practiced by FPI aligns with social group control vigilantism. In their actions, FPI attempts to enforce their own group's standards of values by mobilizing masses from within their ranks and supporters. They exert pressure on other groups through the superiority of the values they adhere to, aiming to perpetuate their group's authority. FPI disregards the fact that their actions take place in Indonesia, a country not founded on Islamic principles, but rather on the pluralistic, diverse, and belief-agnostic Pancasila democracy (Fajri, 2023). Criminology is a scientific discipline that studies crime and explores strategies to prevent its occurrence, aiming to investigate the phenomena of criminal actions comprehensively. According to Willem Adriaan Bongers, criminology has two aspects (Beridiansyah, 2019):

- 1) Practical Criminology, based on research findings concluded with practical benefits.
- 2) Theoretical Criminology, a science based on its own experiences, similar to other scientific disciplines.

Crime is behaviour deemed to violate laws and social norms, opposed not only by specific communities, but by societies worldwide. The nexus between criminology and criminal law emerges because both disciplines are concerned with issues of crime. Behind the vigilantism carried out by FPI, there are several factors as follows:

1) Sociological Factors

The sociological perspective refers to everything that influences individuals or groups in society socially. Sociological

factors are influenced by the surrounding environment, such as environments that provide opportunities for crime, social environments that provide examples and role models, economic environments, poverty and deprivation, and diverse social environments (Prakoso, 2013). From a sociological perspective, crime is one of the most dangerous problems that can cause social disorganization. Criminals engage in activities that are harmful to governance, law, regulations, order, and national welfare. In the culture conflict theory, Thomas Sellin states that any group with norms of its own may clash when compared with the norms of other groups. FPI's vigilantism is a case of culture conflict theory. In the case of vandalism against a store suspected of selling alcoholic beverages, FPI is considered to have acted outside the applicable law and overstepped the authority of law enforcement agencies. Furthermore, in the case of protests against the inauguration of Ahok, FPI has imposed standards or norms within their group to the point of pressuring other groups, seemingly unaware that their actions contradict the Pancasila democracy embraced by Indonesia, which recognizes diversity of beliefs/religions. In Article 28D paragraph 1 of UUD 1945, it is written: *"Everyone has the right to recognition, guarantees, protection, and legal certainty as well as equal treatment before the law,"* which means there is a guarantee that the state recognizes the rights and obligations of its citizens. This form of tolerance is what is intended to ensure security, comfort, and order for Indonesian citizens to create harmony in their interactions with one another. The imposition of will in adhering to norms by FPI has violated existing rules, thus categorizing it as a form of crime.

2) Psychological Factors

Emile Durkheim, a French sociologist, proposed the Theory of Anomie, which has three perspectives: 1) Humans are social beings; 2) The existence of humans as social beings; and 3) Humans tend to live in society and their existence is highly dependent on society as a colony. Organizations are social groups formed by society, whether legally recognized or not, which function to channel community participation in nation-building. Organizations also serve as networks between individuals/groups, maintaining relationships according to human or group interests (Sutowo and Wibisono, 2013). According to survey data, factors that lead members to join organizations include providing a social platform for members, expanding social networks within society, and gaining a sense of security.

Professor Phillip Zimbardo from Stanford University recounts his most famous research called the "Stanford Prison

Experiment." This research was conducted in 1971. The experimental study aimed to find out what would happen if people who typically behave well were placed in a very bad environment. To do this, Zimbardo selected 24 students considered to be the healthiest and most normal to "role-play" as prison guards and prisoners. Interestingly, the students who played the role of guards began to insult and abuse the prisoners within just 24 hours of starting the experiment. The guards forced the prisoners to do pointless and boring tasks, such as long-duration push-ups. This study showed that the environment is a crucial factor in determining whether someone behaves well or badly. Zimbardo State that human being consists of a mixture of good and bad qualities. Humans are creatures dependent on the situation. If the environment around us is good, then we tend to do good. Likewise, the opposite. Through organizations, there are positive impacts such as expanding networks and relationships and becoming active in community activities. However, negative traits have also emerged, such as organizations tending towards arrogance, aggression, anarchy, intimidation, vandalism, and other forms of legal violations. The aggressive behaviours exhibited by organization members today is a pressing social problem that needs to be addressed. Thus, returning to sociological factors, an individual can be influenced by their surrounding environment, which can lead to deviance in society.

Implementation of Indonesian Law as a Guide to Anticipate Ormas that Conduct Society Illegal Movements

Obligations, Prohibitions, and Sanctions for Ormas in the Ormas Law

The Ormas Law, serving as the legal framework for the organization's operations in Indonesia, fundamentally regulates the obligations held and activities prohibited by organizations. Article 21 of the Ormas Law stipulates that organizations are obligated to:

- 1) Carry out activities in accordance with the organization's objectives.
- 2) Maintain the unity and integrity of the nation as well as the Unitary State of the Republic of Indonesia.
- 3) Preserve the values of religion, culture, morality, ethics, and ethical norms and provide benefits to society.
- 4) Maintain public order and create peace within society.
- 5) Conduct financial management transparently and accountably.
- 6) Participate in achieving the state's goals.

Article 59 then elaborates on the activities prohibited by organizations, namely:

1) Article 59 paragraph (1):

- a. Using a name, emblem, flag, or attribute identical to the name, emblem, flag, or attribute of governmental institutions without permission.
- b. Using, without permission, the name, emblem, or flag of another country or international organization as the name, emblem, or flag of the organization.
- c. Using a name, emblem, flag, or image that is substantially similar in whole or in part to the name, emblem, flag, or image of another organization or political party.

2) Article 59 paragraph (2):

- a. Accepting or giving contributions in any form that contravene the provisions of laws and regulations.
- b. Collecting funds for political parties.

3) Article 59 paragraph (3):

- a. Engaging in actions of hostility towards ethnicity, religion, race, or group.
- b. Misusing, blaspheming, or defaming the religions practiced in Indonesia.
- c. Engaging in acts of violence, disrupting the public order and tranquility, or damaging public facilities and social facilities.
- d. Engaging in activities that are the duty and authority of law enforcement officials in accordance with the provisions of laws and regulations.

4) Article 59 paragraph (4):

- a. Using a name, emblem, flag, or symbol of an organization that is substantially similar in whole or in part to the name, emblem, flag, or symbol of a separatist movement organization or a banned organization.
- b. Engaging in separatist activities that threaten to the sovereignty of the Republic of Indonesia.
- c. Adopting, developing, and disseminating teachings or ideologies that contradict Pancasila. The teachings referred to are atheism, communism/Marxism-Leninism.

The Ormas Law also regulates the imposition of sanctions on organizations that fail to fulfil their obligations or violate the prohibitions stated. Organizations that violate the provisions in Article 21 (regarding obligations) and Article 59 paragraphs (1) and (2) (regarding prohibitions) are subject to administrative sanctions. Meanwhile, organizations that violate Article 59 paragraphs (3) and (4) are subject to administrative sanctions and/or criminal sanctions. The administrative sanctions for these violations differ from the

previous violations. Below is a table comparing the imposition of administrative sanctions based on the violation:

Violation	Administrative Sanction
Article 21 and Article 59 paragraph (1) and (2)	Written warning shall be issued only once within a period of 7 days from the date of issuance of the warning.
	Cessation of activities in the event that the organization fails to comply with the written warning within the specified period.
	Revocation of the certificate of registration or revocation of legal entity status in the event that the organization fails to comply with the cessation of activities sanction.
Article 59 paragraph (3) and (4)	Revocation of the certificate of registration (SKT) by Kemendagri.
	Revocation of legal entity status by Kemenkumham. Organizations whose legal entity status is revoked shall be declared dissolved simultaneously.

Table 2.1. Comparison of Administrative Sanctions Based on Violations

From the table above, it can be concluded that administrative sanctions for violations of Article 59 paragraphs (3) and (4) will not be preceded by a written warning; instead, the Minister authorized shall directly revoke the certificate of registration or revoke the legal entity status. There are also criminal provisions for violations of Article 59 paragraphs (3) and (4) as follows:

- 1) Any person who is a member and/or officer of an organization who intentionally and directly or indirectly violates Article 59 paragraph (3) subparagraphs a and b shall be punished by imprisonment for a minimum of 6 months and a maximum of 1 year.
- 2) Any person who is a member and/or officer of an organization who intentionally and directly or indirectly violates Article 59 paragraph (3) subparagraphs c and d, and paragraph (4) shall be punished by imprisonment for life or imprisonment for a minimum of 5 years and a maximum of 20 years.
- 3) In addition to imprisonment, additional penalties as regulated in the legislation are also threatened.

Dissolution of FPI from the Perspective of Indonesian Positive Law

The dissolution of an organization can be carried out forcibly by the government if the organization violates prohibitions in the Ormas Law. In the present case, theoretically, FPI violates Article 59 paragraph (3) subparagraphs a and c. In the tumultuous demonstrations held in 2014, FPI demanded that Ahok be removed from his position as the Governor of Jakarta because he is of Chinese ethnicity and not of the Islamic faith. FPI also demanded the revocation of SK

(*Surat Ketetapan/Decree*) from the Jakarta DPRD that specifically regulates positions that can be held by individuals who are not of the Islamic faith in the Jakarta government. The demands made by FPI indicate discrimination and hostility based on race and religion, where FPI rejected Ahok because of his race and religion, and argued that the Governor of Jakarta must be of the Islamic faith. During their demonstrations, FPI also caused riots that damaged public facilities and disrupted public order, injuring 7 police officers. Destruction had also occurred previously in 2011 by FPI members in Makassar which resulted in a total of 5 casualties. It can be concluded that FPI has repeatedly violated the provisions of the Ormas Law which should have led to its dissolution by the government.

The trial regarding the dissolution of FPI took place in 2020. It should be noted that even if an organization has been dissolved, it may still engage in activities as an organization based on the right to freedom of association and assembly protected under Article 28E paragraph (3) of UUD 1945. The state also cannot prohibit the activities of an organization, even if the organization is not registered, as long as it does not engage in activities that violate the law, security, or public order (Hafansyah and Syahuri, 2023). On the other hand, FPI is no longer recognized as an organization and is prohibited from conducting activities by the government due to the violations it has committed, but this prohibition is only procedural (CNN Indonesia, 2020), so in reality, FPI may still operate even though it has been declared an illegal organization and banned from activities in the SKB (*Surat Keputusan Bersama/Joint Ministerial Decree*). The public is also requested in the SKB to report to law enforcement authorities if they observe activities using the name, symbol, or attributes of FPI (CNN Indonesia, 2020). The reasons for dissolution and the prohibition of activities stated in the SKB are as follows:

- 1) The FPI articles of association are deemed to violate Article 2 of the Ormas Law.
- 2) The SKT of FPI has been invalid since June 20, 2019, therefore, de jure, FPI is considered dissolved since June 21, 2019.
- 3) FPI has violated Article 5 subparagraph g; Article 6 subparagraph f; Article 21 subparagraphs b and d; Article 59 paragraph (3) subparagraphs a, c, and d; Article 59 paragraph (4) subparagraph c; and Article 82A of the Ormas Law.
- 4) A total of 35 FPI members are documented to be involved in terrorist activities; 29 of them have been convicted.
- 5) A total of 206 FPI members are involved in common criminal acts; 100 of them have been convicted.
- 6) FPI leaders or members often conduct raids or sweepings in society, which should be the authority of law enforcement agencies, thus violating legal provisions.

Challenges in the Application of Law to Anticipate Society Illegal Movements by Ormas in Indonesia

The Ormas Law has provided guidelines regarding the imposition of sanctions on organizations that violate obligations or prohibitions stipulated therein, both administrative and criminal sanctions. Forced dissolution by the government also becomes an option to follow up on organizations that have committed certain violations. However, forced dissolution may not necessarily eradicate organizations engaging in society illegal movements. Even though FPI no longer has rights as an organization, including the right to legal protection for the existence and activities of the organization, dissolution and activity bans may not necessarily stop FPI from pursuing their agenda unlawfully. Even if an organization has been dissolved, every citizen still has the right to associate, assemble, and express opinions as protected by the UUD 1945. This ideology is ingrained within organizations, thus dissolution could result in the creation of underground organizations that operate covertly and become more difficult for the state to monitor. After dissolution, FPI is also allowed to form new organizations and potentially repeat the same violations. Dissolution carried out through SKB is considered weak because dissolution only means revocation of legal entity status, not actual dissolution of the organization (Wikrama, 2018). In addition to administrative sanctions and dissolution, criminal sanctions are also deemed ineffective in handling society illegal movement by organizations. In the SKB, it is stated that 206 FPI members are involved in common criminal acts and 35 members are involved in terrorist activities. Some of them have been convicted, yet FPI can still stand and operate. In the tumultuous demonstration on October 3, 2014, FPI also injured 7 police officers and the perpetrators were legally processed, but this incident did not lead to the immediate cessation of FPI activities. This indicates that criminal sanctions do exist and can be applied, both in the Ormas Law and in other legislation, but they have not been successful in deterring fellow FPI members, thus crimes continue to be committed.

Urgency of Supervision of Ormas in Indonesia

With administrative and criminal sanctions being less effective as repressive measures to address society illegal movement by organizations, the emphasis should be placed on supervision. Article 53 of the Ormas Law stipulates that supervision of organizations is conducted internally by the organization in accordance with its articles of association or by-laws, and externally by the community, government, and/or local government. Community supervision takes the form of complaints to the central or regional government. The community can play a crucial role in following up on organizations that violate legal provisions. However, the role of the government is more crucial as the party responsible for following up on and addressing organizational violations legally. Additionally, preventive measures can be taken by providing guidance to organizations. According to former member of Commission A of the Jakarta Regional People's Representative Council, Abdul Aziz, guidance for organizations can facilitate the detection of organization activities for preventive measures (Santoso and Harefa, 2015).

With the enactment of Ministry of Home Affairs Regulation No. 56 of 2017 concerning Supervision of Community Organizations within the Ministry of Home Affairs and Local Governments ("**Permendagri 56/2017**"), legal guidelines have emerged explaining the systematics of organization supervision at each level of government. Supervision from the central government is conducted by Kemendagri, while from the local government it is conducted by governors and regents/mayors. Kemendagri oversees organizations with legal entities in Indonesia and without legal entities, governors oversee provinces, while regents/mayors oversee districts/cities. This supervision is carried out systematically, both before and after complaints from the community. A Joint Team has also been formed to improve the implementation of organization supervision, both at the national, provincial, and district/city levels. Proper supervision must be applied, both internally and externally, to effectively address unlawful activities often carried out by an organization. Supervision can serve as a preventive measure to reduce the occurrence of unlawful activities by organizations as well as a repressive measure to address organizational violations, especially those reported by the community. Administrative sanctions and criminal sanctions still need to be applied, but their implementation must also be accompanied by appropriate supervision from all parties if one wishes to anticipate society illegal movement, both before and after violations occur.

CONCLUSIONS AND RECOMMENDATIONS

The regulations regarding the establishment and operation of Ormas in Indonesia, as outlined in the Ormas Law, emphasize the need for adherence to legal requirements and democratic principles. Ormas must be established by at least three Indonesian citizens, following specific procedures for legal recognition. They are required to develop transparent work programs and operate within the bounds of law, democracy, and respect for human rights. However, the case of the Islamic Defenders Front (FPI) illustrates a deviation from these principles. Founded in 1998 to address perceived social and religious issues, FPI has increasingly engaged in radical and illegal activities, posing threats to societal stability and security. Instances such as attacks on minority groups and confrontations with authorities highlight FPI's disregard for democratic norms. Consequently, the government's decision to dissolve FPI in 2020 was justified as a measure to uphold the law, ensure public safety, and preserve Indonesia's foundational values, including Pancasila ideology and national unity.

The actions of the Islamic Defenders Front (FPI) constitute vigilantism, characterized by intimidation and violence aimed at asserting group authority, which contradicts Indonesia's pluralistic values. Criminologically, such behavior arises from social and psychological factors, demanding a comprehensive approach blending criminology, criminal law, and understanding of societal dynamics. The Ormas Law outlines expectations, prohibitions, and sanctions for Ormas, but its dissolution doesn't necessarily halt illegal activities, as evidenced by FPI. Effective supervision, both internal and external, is essential to prevent and address illegal movements by Ormas in Indonesia vana

ADVANCED RESEARCH

In writing this article the researcher realizes that there are still many shortcomings in terms of language, writing, and form of presentation considering the limited knowledge and abilities of the researchers themselves. Therefore, for the perfection of the article, the researcher expects constructive criticism and suggestions from various parties.

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