



Between Associational Autonomy and State Control: Nahdlatul Ulama and Muhammadiyah as Non-Party Political Intermediaries in Post-Reform Indonesia

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ARTICLE INFO

Article history

Received: 26 April 2026

Revised: 25 July 2026

Accepted: 30 July 2026

Keywords

Non-party political intermediation;
Freedom of association;
Civil society organizations;
State control;
Indonesia.

ABSTRACT

Nahdlatul Ulama (NU) and Muhammadiyah are influential nonpartisan Islamic organizations in Indonesia's electoral politics, public policy, and state-society relations. This article examines the legal regulation of non-party political intermediation and the effects of preferential mining policies on religious organizational autonomy. Using a qualitative socio-legal approach, it combines doctrinal analysis of constitutional, civil society, mining, and judicial materials with a comparative study of NU and Muhammadiyah from 2017 to July 2026. The findings show that the 2017 amendment to the Law on Societal Organizations shifted safeguards from prior judicial review to ex post scrutiny of administrative dissolution. The law also insufficiently distinguishes policy advocacy, institutional political expression, elite conduct, electoral mobilization, and organizational resource use. NU relies more on personal authority and socio-religious networks, whereas Muhammadiyah emphasizes institutional structures, policy advocacy, and value-based politics. Mining privileges further create conflicts between watchdog functions and economic dependence on the state. The article proposes activity-based regulation grounded in attribution, transparency, proportionality, accountability, and conflict-of-interest control.

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1. Introduction

In a democratic state governed by the rule of law, civil society organizations occupy a constitutionally significant yet inherently complex position. They provide

institutional avenues through which citizens exercise freedom of association, articulate collective interests, scrutinize government conduct, and influence the formulation of public policy.¹ At the same time, the state has the authority to regulate and, under certain circumstances, restrict organizational activities to protect national security, public order, and others' rights and freedoms.² The tension between associational autonomy and state control becomes particularly consequential when civil society organizations, despite operating outside formal party structures, perform functions of interest representation, mediation, mobilization, and advocacy that shape political processes and public policy. Under such conditions, state–civil society relations are not necessarily characterized by direct repression alone. They may also involve a range of control strategies, including exclusion, co-optation, delegitimization, criminalization, restrictions on participatory space, and the regulation of access to resources and funding.³ These dynamics become especially salient when civil society organizations possess the capacity to influence political processes without transforming themselves into political parties.

This issue is particularly evident in the position of Nahdlatul Ulama (NU) and Muhammadiyah, Indonesia's two largest Islamic organizations. Neither was established as a political party, and neither contests elections as an electoral participant. Nevertheless, their extensive networks of educational institutions, healthcare facilities, philanthropic organizations, Islamic boarding schools, places of worship, and affiliated bodies enable

¹ A Alrahamneh, "The Capacity of Civil Society Organizations to Protect Human Rights," in *Studies in Systems, Decision and Control*, vol. 226, 2024, 659–70, https://doi.org/10.1007/978-3-031-73545-5_55; M A Abrahams, "THE ROLE OF THE CIVIL SOCIETY ORGANIZATION IN PROMOTING DEMOCRACY: The Case of the South African Monitoring and Evaluation Association," in *Democratic Evaluation and Democracy: Exploring the Reality*, 2017, 57–80, <https://www.scopus.com/inward/record.uri?eid=2-s2.0-105033818772&partnerID=40&md5=7115009f8b1b8952156f1eaf6a678491>; M A Yusoff dan A Sarjoon, "Civil society activism for democracy and peace-building in Sri Lanka," *Social Sciences (Pakistan)* 11, no. 5 (2016): 661–71, <https://doi.org/10.3923/sscience.2016.661.671>.

² A I Yastrebova et al., "State and non-state actors ensuring constitutional order and public security: Problems of legal regulation of interaction the ability to understand and the textual typologies in the primary basic education, third grade," *Universidad y Sociedad* 12, no. 3 (2020): 228–39, <https://www.scopus.com/inward/record.uri?eid=2-s2.0-85100891626&partnerID=40&md5=bea02a0c87713b159be3a937e7201aa0>; A I Yastrebova et al., "Civil public organizations for providing a public order and their role in forming of civil society," *Journal of Advanced Research in Law and Economics* 7, no. 2 (2016): 417–25, [https://doi.org/10.14505/jarle.v7.2\(16\).26](https://doi.org/10.14505/jarle.v7.2(16).26); J Saglie dan K H Sivesind, "Civil society institutions or semi-public agencies? State regulation of parties and voluntary organizations in Norway," *Journal of Civil Society* 14, no. 4 (2018): 292–310, <https://doi.org/10.1080/17448689.2018.1518769>.

³ M Geró et al., "From Exclusion to Co-Optation: Political Opportunity Structures and Civil Society Responses in De-Democratising Hungary," *Politics and Governance* 11, no. 1 (2023): 16–27, <https://doi.org/10.17645/pag.v11i1.5883>; M Coskun dan E Dueck, "Downward spirals in EU democracy promotion: how contestations and shrinking spaces for civil society organization limit the EU's influence in Turkey," *Democratization* 32, no. 7 (2025): 1684–1707, <https://doi.org/10.1080/13510347.2025.2514767>; R Simsa, "Civil Society Capture by Early Stage Autocrats in Well-Developed Democracies-The Case of Austria," *Nonprofit Policy Forum* 10, no. 3 (2020), <https://doi.org/10.1515/npf-2019-0029>.

them to shape public preferences, influence policymaking processes, and mediate relations between society and the state through various forms of political negotiation and compromise.⁴ Through these institutional capacities, NU and Muhammadiyah perform non-party political intermediation: they connect citizens, political elites, and state institutions without formally seeking governmental power through party-based electoral competition.

The forms of non-party political intermediation performed by these organizations are neither singular nor uniform. Their official organizational positions may differ from the conduct of officeholders, religious figures, autonomous bodies, affiliated institutions, and grassroots members. Organizational leaders may affirm institutional neutrality to preserve moral independence, while individuals with cultural or structural ties to NU and Muhammadiyah remain involved in candidacies for public office, party formation, electoral mobilization, policy agenda-setting, and negotiations with the government.⁵ An analysis of the political roles of these organizations must therefore distinguish among the official positions of the organizations, the individual actions of their elites, the activities of affiliated institutions, the use of organizational resources, and the political behavior of their members.

These dynamics have become increasingly complex since Indonesia's democratic Reformasi in 1998. Democratization expanded the space available to religious organizations to express criticism, engage in advocacy, and participate in public debate.⁶ At the same time, political openness exposed civil society organizations to patronage, identity-based polarization, electoral competition, and struggles over access to state resources.⁷ The 2019 and 2024 elections demonstrated that religious networks and the

⁴ A M Al-Ansi et al., "The Islamic Organizations in Indonesia 'Muhammadiyah and NU': Social Perspective Explanation," *Dirasat: Human and Social Sciences* 50, no. 5 (2023): 550–64, <https://doi.org/10.35516/hum.v50i5.1124>; F Noor et al., "NU'S INVOLVEMENT IN THE 2024 PRESIDENTIAL ELECTION A Convergence of Ideological and Pragmatic Motives," *Journal of Indonesian Islam* 19, no. 1 (2025): 1–23, <https://doi.org/10.15642/JIIS.2025.19.1.1-23>; G Brown, "Civic Islam: Muhammadiyah, NU and the Organisational Logic of Consensus-making in Indonesia," *Asian Studies Review* 43, no. 3 (2019): 397–414, <https://doi.org/10.1080/10357823.2019.1626802>.

⁵ H Nashir et al., "Muhammadiyah's moderation stance in the 2019 general election," *Al-Jami'ah* 57, no. 1 (2019): 1–24, <https://doi.org/10.14421/ajis.2019.57.1.1-24>; Noor et al., "NU'S INVOLVEMENT IN THE 2024 PRESIDENTIAL ELECTION A Convergence of Ideological and Pragmatic Motives."

⁶ Brown, "Civic Islam: Muhammadiyah, NU and the Organisational Logic of Consensus-making in Indonesia."

⁷ Ward Berenschot, "The Political Economy of Clientelism: A Comparative Study of Indonesia's Patronage Democracy," *Comparative Political Studies* 51, no. 12 (1 Oktober 2018): 1563–93, <https://doi.org/10.1177/0010414018758756>; Edward Aspinall dan Ward Berenschot, "Indonesia's Patronage Democracy," in *Democracy for Sale: Elections, Clientelism, and the State in Indonesia* (Cornell University Press, 2019), 1–19, <https://doi.org/doi:10.7591/9781501732997-004>; J Situmorang et al., "Ummah narrative in Indonesian politics: between emotional mobilization and the rationality of democracy and its impact," *Indonesian Journal of Islam and Muslim Societies* 15, no. 2 (2025): 257–87, <https://doi.org/10.18326/ijims.v15i2.257-287>; L Assyaukanie, "Religion as a political tool secular and

authority of religious leaders remained important sources of political mobilization. In this context, NU and Muhammadiyah cannot simply be characterized either as wholly independent democratic forces or as partisan actors.⁸ Their roles are dynamic and context-dependent, shaped by their internal organizational structures, elite configurations, the issues under contestation, and the particular patterns of interaction that each organization maintains with the state.

Constitutionally, freedom of association is guaranteed by Article 28E(3) of the 1945 Constitution of the Republic of Indonesia and is closely connected to the guarantee of fair legal certainty under Article 28D(1). This freedom, however, is not absolute, as Article 28J permits restrictions prescribed by law for the pursuit of legitimate objectives in a democratic society.⁹ A comparable standard is established under Article 22 of the International Covenant on Civil and Political Rights, which requires any restriction on freedom of association to be prescribed by law, directed toward a legitimate aim, and both necessary and proportionate in a democratic society.¹⁰ Accordingly, the exercise of state authority over civil society organizations must comply with the principles of legality, legal certainty, necessity, proportionality, and protection against arbitrary action.

At the statutory level, societal organizations - legally categorized in Indonesia as *organisasi kemasyarakatan (ormas)* - are governed by Law No. 17 of 2013, as amended by Law No. 16 of 2017.¹¹ This regulatory regime governs their establishment, rights and obligations, prohibited activities, supervision, and the imposition of sanctions.¹² The 2017 amendment strengthened the government's administrative authority and directly linked the revocation of an organization's legal-entity status to its dissolution. Judicial review of this regulatory design, however, has not fully resolved concerns regarding the adequacy of judicial safeguards. Beyond administrative restrictions, relations between the state and

islamist roles in Indonesian elections," *Journal of Indonesian Islam* 13, no. 2 (2019): 454–79, <https://doi.org/10.15642/JIIS.2019.13.2.454-479>.

⁸ Brown, "Civic Islam: Muhammadiyah, NU and the Organisational Logic of Consensus-making in Indonesia."

⁹ "UNDANG-UNDANG DASAR NEGARA REPUBLIK INDONESIA 1945," *Republik Indonesia*, 1945.

¹⁰ "International Covenant on Civil and Political Rights," *UN Treaty Collection*, 1967; A.A.A.S.R. Gorda, N N J Arsawati, dan P E D Antari, "Limitations of freedom of speech in a democratic government: A contemporary analysis in Indonesia case," *International Journal of Mechanical Engineering and Technology* 9, no. 8 (2018): 868–74, <https://www.scopus.com/inward/record.uri?eid=2-s2.0-85052905702&partnerID=40&md5=574f7c7c9bcec7ccd5fb6251a881c569>.

¹¹ Republik Indonesia, "Undang-Undang Nomor 16 Tahun 2017 Tentang Penetapan Peraturan Pemerintah Pengganti Undang-Undang Nomor 2 Tahun 2017 Tentang Perubahan Atas Undang-Undang Nomor 17 Tahun 2013 Tentang Organisasi Kemasyarakatan Menjadi Undang-Undang," *Lembaran Negara Republik Indonesia Tahun 2017 Nomor 138. Tambahan Lembaran Negara Republik Indonesia nomor 6084*, 2017.

¹² R Aisy, N D Nte, dan W Windiahsari, "The Relationship Between Law and Politics in the Government Regulation in Lieu of Law (Perppu) on Social Organizations," *Indonesian Journal of Advocacy and Legal Services* 6, no. 2 (2024): 269–92, <https://doi.org/10.15294/ijals.v6i2.30576>.

religious organizations may also be shaped through access to public resources and economic incentives, including policies granting priority access to mining concessions to business entities owned by religious organizations.¹³ Such policies raise questions regarding the possible emergence of economic dependency and its implications for organizational independence in criticizing and scrutinizing government conduct.

The underlying problem is that Indonesia's legal framework continues to rely on a formal distinction between societal organizations and political parties. Political parties are established to acquire and exercise political power through elections, whereas societal organizations are legally positioned as vehicles for social, religious, and community-based activities. Although this distinction is administratively useful, it does not adequately account for the institutional practices of large organizations that do not formally nominate candidates or contest elections but substantively shape public opinion, mobilize social networks, influence policy, and mediate relations between society and the state. The prevailing legal framework also fails to distinguish sufficiently among protected policy advocacy, official organizational political expression, the private conduct of officeholders, electoral mobilization through affiliated networks, and partisan support involving organizational resources. This lack of conceptual and regulatory clarity creates two risks: political involvement may occur without adequate standards of transparency and accountability, while governmental discretion to assess and restrict organizational activities may expand into areas that should be protected as forms of democratic participation.

The existing literature on NU and Muhammadiyah has developed primarily within political science, Islamic studies, and sociology. Some studies portray the two organizations as components of civil Islam that support democratization, pluralism, tolerance, and religious moderation. Others emphasize patronage, elite accommodation, political brokerage, internal fragmentation, and the involvement of religious organizations in political polarization.¹⁴ Meanwhile, constitutional-law scholarship has predominantly examined freedom of association, the constitutionality of the Societal Organizations Law, governmental authority to impose sanctions, and procedures for organizational

¹³ A B Pratama et al., "Mining Concession Policy for Religious Organizations in Indonesia: An Analysis of Vertical Inconsistencies in the Norm Hierarchy Framework," *Al-Mazaahib* 14, no. 1 (2026): 82–96, <https://doi.org/10.14421/al-mazaahib.v14i1.4366>; M Yunus et al., "Mining Permits for Religion Organizations in Indonesia: Public Interest vs Islamic Ethics," *Jurnal Pengabdian Hukum Indonesia* 8, no. 2 (2025): 617–46, <https://doi.org/10.15294/jphi.v8i2.32999>.

¹⁴ Brown, "Civic Islam: Muhammadiyah, NU and the Organisational Logic of Consensus-making in Indonesia"; R Bush dan G Fealy, "The political decline of traditional Ulama in Indonesia: The state, Umma and Nahdlatul Ulama," *Asian Journal of Social Science* 42, no. 5 (2014): 536–60, <https://doi.org/10.1163/15685314-04205004>; A R Arifianto, "From ideological to political sectarianism: Nahdlatul Ulama, Muhammadiyah, and the state in Indonesia," *Religion, State and Society* 49, no. 2 (2021): 126–41, <https://doi.org/10.1080/09637494.2021.1902247>; M T Yani et al., "Advancing the discourse of Muslim politics in Indonesia: A study on political orientation of Kiai as religious elites in Nahdlatul Ulama," *Heliyon* 8, no. 12 (2022), <https://doi.org/10.1016/j.heliyon.2022.e12218>.

dissolution.¹⁵ Although both bodies of scholarship address relations between civil society and state power, they have not been adequately integrated. Political studies rarely examine how legal categories structure or constrain the intermediary functions of religious organizations, whereas legal studies tend to treat societal organizations as a homogeneous category and pay insufficient attention to the variations in political functions performed by large organizations.

Against this background, this article examines how Indonesia's legal framework regulates the non-party political intermediation performed by NU and Muhammadiyah while balancing associational autonomy and state control. It further assesses the extent to which this framework is consistent with constitutional guarantees and international standards concerning freedom of association. The article argues that the prevailing dichotomy between societal organizations and political parties fails to account adequately for the constitutional position of NU and Muhammadiyah as non-party organizations that perform political intermediary functions without becoming formal participants in electoral competition. This disjuncture between legal categories and institutional practices has produced a form of non-party political intermediation that remains insufficiently defined in law. Consequently, these organizations and their elites may exercise political functions without clearly delineated standards of accountability, while organizational autonomy remains vulnerable to administrative discretion and state influence. Drawing on a socio-legal approach and a comparative analysis of the institutional patterns of NU and Muhammadiyah, this article proposes a framework for evaluating organizational activities according to the type of conduct involved, the capacity in which an actor operates, the use of organizational resources, and the resulting political consequences. Such a framework would enable the law to distinguish among protected democratic participation, partisan involvement requiring transparency and accountability, and conduct that may legitimately be restricted.

2. Legal Materials and Methods

This study employs a document-based qualitative socio-legal design grounded in a law-in-context approach.¹⁶ This approach combines doctrinal analysis of freedom of

¹⁵ A Jalil dan M Taufiq, "Perppu," *Al-Ihkam: Jurnal Hukum dan Pranata Sosial* 14, no. 1 (2019): 146–77, <https://doi.org/10.19105/al-lhkam.v14i1.1982>; K Bakry et al., "Political Dynamics of Muhammadiyah and Its Relevance to the Concept of the State in Islam," *Al-'Adalah* 17, no. 2 (2020): 383–96, <https://doi.org/10.24042/adalah.v17i2.6824>; P P A Saifulloh, "The Obligation of the Constitutional Court of Indonesia to Give Consideration in the Process of Dissolution of Societal Organizations," *Constitutional Review* 4, no. 1 (2018): 131–56, <https://doi.org/10.31078/consrev4i1>; M A Firosa, "Pembubaran Organisasi Kemasyarakatan dalam Perspektif Hak Kebebasan Berserikat Berdasarkan Konstitusi Negara Republik Indonesia," *Volksgeist: Jurnal Ilmu Hukum dan Konstitusi* 2, no. 2 (2019): 147–62, <https://doi.org/10.24090/volksgeist.v2i2.2884>.

¹⁶ Jennifer Hendry, Naomi Creutzfeldt, dan Christian Boulanger, "Socio-Legal Studies in Germany and the UK: Theory and Methods," *German Law Journal* 21, no. 7 (2020): 1309–17,

association, state authority, and political participation with a comparative case study of the non-party political intermediation performed by NU and Muhammadiyah. This research design was selected because the study examines not only the content of legal norms but also the capacity of existing legal categories to account for non-party organizations that, in practice, perform functions of representation, advocacy, mediation, political mobilization, and economic-interest management. The socio-legal dimension of the study does not rely on interviews, surveys, or field observations. Instead, it is based on a systematic analysis of legal materials, institutional documents, documented political practices, and the broader socio-political context in which the law is applied.

The doctrinal analysis covers Article 1(3), Article 28, Article 28C(2), Article 28D(1), Article 28E(3), and Article 28J(2) of the 1945 Constitution of the Republic of Indonesia; Law No. 17 of 2013, as amended by Law No. 16 of 2017 on Societal Organizations; legislation governing political parties, elections, government administration, and administrative adjudication; and Article 22 of the International Covenant on Civil and Political Rights. Policies granting access to mining activities to business entities affiliated with religious organizations are examined as a particular form of economic relationship between the state and civil society organizations under Government Regulation No. 25 of 2024, Law No. 2 of 2025, and Government Regulation No. 39 of 2025. These legal materials are interpreted textually, systematically, and constitutionally with reference to the principles of legality, legitimate aim, necessity, proportionality, legal certainty, procedural safeguards, the effectiveness of judicial remedies, transparency, accountability, and the management of conflicts of interest.

The analysis of judicial decisions encompasses Constitutional Court Decision No. 82/PUU-XI/2013, Decision No. 94/PUU-XV/2017, Decision No. 2/PUU-XVI/2018, and Decision No. 160/PUU-XXIII/2025. The first three decisions are used to reconstruct the principles governing organizational autonomy, the permissible limits of state intervention, the application of the *contrarius actus* principle, administrative dissolution, and the availability of *ex post* review before the administrative courts. Decision No. 160/PUU-XXIII/2025 is used to evaluate the granting of preferential access to mining activities against the principles of objectivity, transparency, and accountability. Decisions No. 48/PUU-XV/2017 and No. 58/PUU-XV/2017 are used on a limited basis to explain the procedural history of the constitutional review of the Government Regulation in Lieu of Law on Societal Organizations, as the merits of the applications were not examined after the contested legal instrument ceased to have legal effect.

<https://doi.org/10.1017/glj.2020.83>; Karan Choudhary, "Which Method Should I Select for My Legal Research – Doctrinal , Empirical , Multi-Method or Something Else?," *Teisè* 132 (2024): 135–44, <https://doi.org/https://doi.org/10.15388/Teise.2024.132.10>.

NU and Muhammadiyah were purposively selected as comparative case studies because both are nationwide Islamic organizations operating outside formal party structures, possess extensive institutional networks, and are subject to the same legal regime governing societal organizations. Nevertheless, they differ in their structures of authority, institutional traditions, social constituencies, decision-making mechanisms, and historical patterns of engagement with the state. The principal period of analysis extends from 2017 to July 2026, while developments since the beginning of Reformasi in 1998 are used to provide the relevant historical context. The document-based empirical materials include the organizations' articles of association and bylaws, *khittah* documents and decisions adopted by official deliberative forums, statements issued by national-level leaders, documents produced by autonomous bodies and affiliated institutions, documents issued by government authorities and electoral-management bodies, mining-policy documents, and peer-reviewed academic publications. Reports from reputable media outlets and statements by civil society organizations are used selectively to reconstruct events that are not fully recorded in official documents and are cross-checked against other independent sources.

The comparative analysis distinguishes among the organizations' official positions, the individual conduct of their elites, the activities of autonomous bodies and affiliated institutions, the mobilization of members and grassroots networks, and the activities of business entities owned or controlled by the organizations. Each case is examined in terms of the forms of policy advocacy undertaken, institutional political expression, the individual political involvement of officeholders, electoral support, network mobilization, the use of organizational resources, relations with the state, the receipt of economic benefits, and institutional responses to potential conflicts of interest. The findings are classified into four categories: protected democratic participation; partisan involvement requiring transparency and accountability; conduct that may constitutionally be restricted; and economic involvement that may affect organizational independence and the performance of social-accountability functions. Analytical reliability is maintained by prioritizing primary legal materials and official documents, cross-checking factual claims, comparing sources from both organizations, and clearly distinguishing documented facts from analytical inferences and normative conclusions.

3. Results and Discussion

3.1. Associational Autonomy under Administrative Control: The Shifting Legal Architecture of Societal Organizations

The development of Indonesia's law on societal organizations reveals a fundamental transformation in the manner in which the state balances freedom of association against its authority to regulate and control organizations. This transformation may be mapped onto three regulatory models: corporatist control during the New Order

period, a post-Reformasi supervisory model in which judicial proceedings constituted a prerequisite for dissolution, and administrative dissolution following the 2017 amendment to the Societal Organizations Law.¹⁷ This shift altered not only the procedures through which sanctions are imposed but also the point of equilibrium between organizational autonomy and executive authority, moving from judicial scrutiny prior to dissolution to judicial review after an administrative decision has taken effect.

Under the regime established by Law No. 8 of 1985, societal organizations were situated within the state's corporatist political framework. The requirement to adopt Pancasila as their sole organizational principle was accompanied by governmental authority to provide guidance, exercise supervision, suspend activities, and dissolve organizations.¹⁸ This configuration positioned societal organizations not merely as vehicles through which citizens exercised freedom of association but also as objects of political ordering by the executive. Law No. 17 of 2013 subsequently reoriented this framework by linking the regulation of societal organizations to the constitutional guarantee of freedom of association under the 1945 Constitution, establishing graduated sanctions, and requiring judicial involvement in the dissolution of organizations possessing legal-entity status.¹⁹ The 2013 model thus treated judicial examination prior to dissolution as a safeguard against executive action terminating an organization's legal existence.

This legal architecture was altered again through Government Regulation in Lieu of Law No. 2 of 2017, which was subsequently enacted as Law No. 16 of 2017. The amendment simplified the stages of administrative sanctions and linked the revocation of a certificate of registration or legal-entity status directly to organizational dissolution.²⁰ Article 80A provides that the revocation of legal-entity status simultaneously entails the dissolution of the organization concerned. Consequently, an organization's continued legal existence no longer needs to be determined in advance by a judicial decision but may instead be terminated through a decision issued by an administrative authority.²¹ Judicial recourse remains available, but the courts function as forums for reviewing a decision that

¹⁷ Aisy, Nte, dan Windiahsari, "The Relationship Between Law and Politics in the Government Regulation in Lieu of Law (Perppu) on Social Organizations."

¹⁸ M J S Panjaitan, "Concept of state based on Pancasila, the 1945 constitution in criminal radicalism," *Utopia y Praxis Latinoamericana* 25, no. Extra2 (2020): 98–110, <https://doi.org/10.5281/zenodo.3809012>.

¹⁹ Dian Kus Pratiwi, "Implikasi Yuridis Peraturan Pemerintah Pengganti Undang-Undang Nomor 2 Tahun 2017 tentang Perubahan Atas Undang-Undang Nomor 17 Tahun 2013 tentang Organisasi Kemasyarakatan di Indonesia," *Padjadjaran Jurnal Ilmu Hukum* 4, no. 2 (2017): 281–97, <https://doi.org/https://doi.org/10.22304/pjih.v4n2.a4>.

²⁰ Rohmatun Khasanah dan Agung Barok Pratama, "Kewenangan Pemerintah Dalam Pembubaran Organisasi Kemasyarakatan," *Manabia: Journal of Consitutional Law* 3, no. 1 (2023): 107–26, <https://doi.org/https://doi.org/10.28918/manabia.v3i01.962>.

²¹ W B M Setyawan dan F Dona, "E-INTEGRATIVE CONTROL SYSTEM AS A COMMUNITY ORGANIZATION SUPERVISION DESIGN TO REALIZE THE CONCEPT OF STATE," *Jurnal Hukum Unissula* 36, no. 2 (2020): 117–25, <https://doi.org/10.26532/jh.v36i2.11390>.

has already taken legal effect. This amendment therefore established a “dissolution first, review later” model that differs structurally from the design adopted under Law No. 17 of 2013.²²

Although Law No. 16 of 2017 strengthened the effectiveness of administrative sanctions, it did not establish a general prohibition against the involvement of societal organizations in political life. Article 59 formulates a series of prohibitions directed at specific forms of conduct, including the use of symbols resembling those of state institutions, other organizations, or political parties; fundraising for political parties; acts of hostility based on ethnicity, religion, race, or social group; religious blasphemy; violence; separatism; and the dissemination of ideologies contrary to Pancasila. The structure of these provisions is directed toward conduct considered to threaten public order, the rights of others, or the ideological foundations of the state. It does not impose a comprehensive prohibition on policy advocacy, political expression, or participation in public debate.

Accordingly, the proposition that the Societal Organizations Law requires complete political neutrality finds no direct basis in Article 59. The prohibitions against using symbols resembling those of political parties and raising funds for political parties cannot be extended into a prohibition of all forms of political activity. Similarly, the prohibition of identity-based hostility cannot be equated with a prohibition against discussing issues relating to ethnicity, religion, race, or intergroup relations. Advocacy for interreligious harmony, education promoting religious moderation, criticism of discrimination, and conflict mediation are, in principle, forms of social participation protected by freedom of association and freedom of expression. Restrictions may be justified only where an organization’s activities satisfy the elements of a clearly formulated prohibition and create a demonstrable threat.

The absence of a general prohibition against political involvement does not, however, mean that all organizational activities fall outside the scope of legal regulation. Certain activities may remain subject to electoral law, political-party law, campaign regulations, rules governing the use of resources, and organizations’ internal rules. The difficulty is that these provisions are dispersed across multiple legal instruments and do not establish a consistent classification distinguishing policy advocacy, official organizational political expression, the private conduct of officeholders, electoral support mobilized through affiliated networks, and the use of organizational resources for the benefit of particular candidates or political parties. The principal deficiency of the prevailing legal framework is therefore not a direct prohibition of political activity, but rather the absence

²² Saifulloh, “The Obligation of the Constitutional Court of Indonesia to Give Consideration in the Process of Dissolution of Societal Organizations.”

of clarity in determining the legal status, attribution, and accountability of the various forms of political intermediation performed by non-party organizations.

The jurisprudence of the Constitutional Court demonstrates a development that has not been entirely linear. In Constitutional Court Decision No. 82/PUU-XI/2013, the Court affirmed that freedom of association is a constitutional right guaranteed by the 1945 Constitution. It recognized that societal organizations possess a sphere of autonomy in regulating their internal affairs in accordance with their organizational purposes. At the same time, however, the Court affirmed that the state retains the authority to regulate societal organizations, provided that such regulation is based on legislation and does not negate the constitutional protection of freedom of association.²³ The decision therefore positioned organizational autonomy as an integral component of the protection of freedom of association without eliminating the state's regulatory authority. By contrast, Decisions No. 48/PUU-XV/2017 and No. 58/PUU-XV/2017 did not provide a substantive assessment of the administrative dissolution mechanism because the object of review ceased to have legal effect after Government Regulation in Lieu of Law No. 2 of 2017 was enacted as a statute.

A clearer articulation of the Court's position appears in Decision No. 94/PUU-XV/2017 and Decision No. 2/PUU-XVI/2018. In its reasoning, the Court accepted that the revocation of legal-entity status constitutes an administrative sanction and may be based on the *contrarius actus* principle, under which an authority empowered to issue an administrative decision also possesses the authority to revoke it. The Court accepted that legal-entity status could be revoked through an administrative measure based on this principle, while continuing to provide access to judicial review before the State Administrative Courts. Consequently, the protection of freedom of association no longer rests on prior judicial authorization for dissolution, as provided under Law No. 17 of 2013, but has shifted toward judicial review conducted after the administrative decision has been issued.

A decision revoking an organization's legal-entity status generally possesses the characteristics of a state administrative decision because it is issued in writing, addressed to a specific organization, final in nature, and directly produces legal consequences. It may therefore be reviewed in relation to the issuing authority's competence, the procedures followed, the substantive grounds relied upon, and the general principles of good governance. The availability of proceedings before the State Administrative Courts does not, however, automatically guarantee effective protection. By the time judicial review is initiated, the organization has already lost its legal status and has been declared dissolved. Its activities, assets, reputation, networks, and institutional relationships may therefore

²³ Mahkamah Konstitusi Republik, "Putusan Nomor 82/PUU-XI/2013," *Mahkamah Konstitusi Republik Indonesia*, 2013.

have already suffered harm. The constitutional issue consequently concerns not only whether access to a court is formally available but also whether an ex post review mechanism is capable of providing protection and remedies commensurate with the severity of the consequences arising from dissolution.

The *contrarius actus* principle may explain the formal source of an administrative authority's power to revoke an organization's legal status, but it does not in itself establish that the revocation is necessary, proportionate, or undertaken through a fair procedure. The more severe the consequences of a sanction for the collective existence of an organization, the greater the need for clear legal norms, reliable evidentiary standards, a meaningful opportunity to be heard, independent assessment, and effective remedies. These parameters are consistent with Article 22 of the ICCPR, which permits restrictions on freedom of association only when they are prescribed by law, directed toward a legitimate aim, and necessary in a democratic society. A formal legal basis alone is insufficient in the absence of evidence demonstrating the necessity and proportionality of the state's intervention.

This analysis reveals an asymmetry within the legal architecture governing societal organizations. On the one hand, the law regulates in relatively extensive detail the state's authority to impose prohibitions and sanctions, revoke legal-entity status, and dissolve organizations. On the other hand, it does not provide an equally clear classification for distinguishing the various forms of lawful political involvement undertaken by non-party organizations. This asymmetry is particularly relevant to NU and Muhammadiyah because both organizations engage in policy advocacy, shape public opinion, mediate between societal interests and government, and encompass elites, affiliated institutions, and members who participate in electoral competition. These activities cannot automatically be attributed to the organizations themselves without distinguishing institutional decisions from the individual conduct of officeholders, the activities of autonomous bodies, the use of organizational resources, and the political preferences of individual members.

The principal finding of this section is therefore that Indonesian law regulates the mechanisms through which societal organizations may be restricted or dissolved in considerably greater detail than it defines how non-party organizations may legitimately, transparently, and accountably perform political functions. This imbalance produces two consequences. First, organizations and their elites may operate within the political sphere without uniform standards governing attribution and accountability. Second, the absence of clear categories of organizational activity grants the executive broad interpretive discretion in determining whether particular conduct constitutes protected democratic participation or a violation subject to sanction. This condition gives rise to a legally underdefined form of non-party political intermediation: a situation in which organizations' political functions develop beyond the formal classifications provided by law, while the boundaries of organizational accountability and permissible state intervention remain inadequately formulated.

3.2. Two Models of Non-Party Political Intermediation: Nahdlatul Ulama and Muhammadiyah

The preceding section demonstrated that the legal regime governing societal organizations does not impose a comprehensive obligation of political neutrality. At the same time, however, the existing legal framework does not provide an adequate classification for distinguishing among policy advocacy, institutional political expression, the individual conduct of officeholders, electoral mobilization through organizational networks, and the use of organizational resources for partisan purposes. Within this legally underdefined space, both NU and Muhammadiyah perform political intermediary functions without transforming their institutional status into that of political parties. Nevertheless, they perform these functions through different structures of authority, institutional traditions, and patterns of engagement with the state..

The political engagement of both organizations derives legitimacy from their respective internal principles and doctrines. Within NU, engagement in public affairs is justified by the principle of *amar ma'ruf nahi munkar*, an orientation toward the public good (*maslahah*), and a commitment to national political engagement rooted in NU's religious tradition. These principles must be distinguished from the 1926 *Khittah of Nahdlatul Ulama*, which affirms NU's position as a *jam'iyah diniyyah ijtima'iyah* - a socio-religious association - and provides the foundation for maintaining an institutional distance from party politics without negating NU's role in public and national life.²⁴ Within Muhammadiyah, the idea of national political engagement, the various formulations of its *Khittah*, and the conception of the Pancasila state as *Dār al-'Ahd wa al-Shahādah* position political participation as a constitutional endeavor to establish a morally grounded political order without turning the *persyarikatan* into an electoral instrument.²⁵ The doctrines of both organizations therefore do not preclude political engagement. Rather, they distinguish participation in national public life from official affiliation with a candidate or political party.

The following comparison is not intended to characterize NU and Muhammadiyah through fixed or permanent categories. Instead, Table 1 summarizes the institutional tendencies identified in official documents and documented political practices during the period under examination.

²⁴ M. Ali Haidar, *NAHDATUL ULAMA DAN ISLAM DI INDONESIA Pendekatan Fikih dalam Politik*, PT Gramedia Pustaka Utama, 1994; A Basid et al., "The Role of Nahdlatul Ulama' (NU) Diplomacy in Promoting Islam Rahmatan Lil 'Alamin Exegesis to Strengthen Indonesian State-Religion Concepts: A Study of Gus Dur's Thought," *Journal of Islamic Thought and Civilization* 14, no. 2 (2024): 224–45, <https://doi.org/10.32350/jitc.142.14>; G Fealy, "The political contingency of reformmindedness in Indonesia's Nahdlatul Ulama: Interest politics and the Khittah," in *Islamic Legitimacy in a Plural Asia*, 2008, 154–66, <https://doi.org/10.4324/9780203933404-16>; Muhammad Hafiun dan A Yusrianto, *Dinamika Sejarah NU dan Tantangannya Kini*, TANGGA ILMU, 2021.

²⁵ H Bachtiar, "Dar al-'ahd wa al-shahadah: Muhammadiyah's position and thoughts on negara pancasila," *Studia Islamika* 27, no. 3 (2020): 485–513, <https://doi.org/10.36712/sdi.v27i3.11325>; I Y Isdiyanto, F Muhammadiyah, dan U Fahmiddin, "Tracing the Roots of Muhammadiyah Thought on the Concepts of Dār Al-Ahdi Wa Al-Syahadah," *Legality: Jurnal Ilmiah Hukum* 30, no. 1 (2022): 147–65, <https://doi.org/10.22219/ljih.v30i1.20661>.

Table 1. Institutional Tendencies in the Political Intermediation of NU and Muhammadiyah

Indicator	Nahdlatul Ulama	Muhammadiyah
Formal institutional position	Maintains the Khittah and affirms that NU is not a political party and does not provide electoral endorsements in the organization's name.	Positions the persyarikatan as an independent organization that is not affiliated with any political party or candidate
Structure of intermediation	Intermediation occurs predominantly through the personal authority of kiai, Islamic boarding-school networks, organizational officeholders, and informal relationships that are not always subject to linear control by the central leadership	Intermediation is more frequently conducted through organizational structures, councils and institutions, policy advocacy, and the actions of cadres distinguished from the official position of the persyarikatan
Electoral involvement	An official nonpartisan position may coexist with individual support from kiai, officeholders, or prominent figures distributed across different candidates	An official nonpartisan position is accompanied by relatively explicit internal rules governing the use of organizational positions, symbols, and facilities
Forms of political influence	Mobilization of socio-religious networks, mediation between elites and constituencies, personal legitimation, and negotiation of access to the state	Political education, policy criticism, articulation of public ethics, constitutional advocacy, and the participation of cadres in their individual capacities
Relationship with the state	Tends to exhibit a high degree of personal integration through NU figures holding public office, without converting such relationships into a formal organizational affiliation	Maintains consultative and cooperative relations with the government but more frequently frames its position in terms of organizational independence and the normative evaluation of public policy
Accountability concerns	Difficulty in distinguishing the conduct of influential kiai or elites from the organization's institutional position	Difficulty in determining the boundary between cadres' political freedom and their obligation to preserve the independence of organizational positions and resources

Source: Compiled from official organizational documents and documented practices during the period under examination

During the 2024 election, the Nahdlatul Ulama Executive Board (Pengurus Besar Nahdlatul Ulama, PBNU) officially affirmed that NU, as an organization, did not endorse any presidential candidate.²⁶ Its leaders also emphasized that NU was not a political party

²⁶ Hidayat Salam, "PBNU: NU Tidak Dukung-mendukung Capres," Kompas.id, 2024, <https://www.kompas.id/artikel/pbnu-nu-tidak-dukung-mendukung-capres>.

and therefore lacked the institutional authority to provide electoral endorsements.²⁷ Nevertheless, this official position coexisted with the involvement of a number of NU figures, officeholders, and kiai in candidate campaign networks, whether acting in their personal capacities or exercising their socio-religious authority.²⁸ This condition demonstrates that NU's political intermediation does not operate exclusively through formal organizational decisions. It also takes place through Islamic boarding-school networks, socio-religious relationships, and the personal influence of prominent figures. These dynamics further illustrate that NU is not a monolithic political actor but an organization encompassing diverse political orientations. Consequently, its institutional position and the political practices of its members do not always develop in a linear or fully coordinated manner.

Muhammadiyah similarly maintained a nonpartisan position during the 2024 election, although the concepts of neutrality and independence were articulated with different emphases. In several official statements, Muhammadiyah's leadership affirmed its neutrality toward the competing candidates.²⁹ In other formulations, this position was expressed as the independence of the persyarikatan to determine its stance on national affairs without becoming part of a particular political force. At the same time, Muhammadiyah remained active in voter education, oversight of the ethical conduct of elections, criticism of the use of state power, and advocacy concerning the quality of democracy.³⁰ Its institutional distance from practical politics therefore did not entail withdrawal from the political sphere. Rather, it reflected a redirection of participation away from candidate endorsement and toward the advocacy of values, public policy, and the constitutionality of political processes.

These findings do not support a simplistic dichotomy portraying NU as consistently accommodative and Muhammadiyah as invariably critical. Both organizations may cooperate with the government, gain access to state institutions, benefit from public policies, and simultaneously criticize particular governmental measures. The principal difference lies in the dominant mechanisms connecting each organization to the political arena. Within NU, the boundary between institutional authority and the personal authority of kiai is more susceptible to becoming blurred because the social legitimacy of a

²⁷ Dian Dewi Purnamasari, "NU Tegaskan Tak Akan Terlibat Dukung-mendukung pada Pemilu 2024," Kompas.id, 2023, <https://www.kompas.id/artikel/nu-tegaskan-tak-akan-terlibat-dukung-mendukung-pada-pemilu-2024>.

²⁸ Noor et al., "NU'S INVOLVEMENT IN THE 2024 PRESIDENTIAL ELECTION A Convergence of Ideological and Pragmatic Motives."

²⁹ Afandi, "Abdul Mu ' ti Tegaskan Posisi Muhammadiyah Netral dalam Pemilu 2024," MUHAMMADIYAH.OR.ID, 2023, <https://muhammadiyah.or.id/2023/11/abdul-muti-tegaskan-posisi-muhammadiyah-netral-dalam-pemilu-2024/>; muhammadiyah.or.id, "Isu Strategis Muktamar 48 Tegaskan Posisi Pandangan Muhammadiyah di Tahun Politik 2024," MUHAMMADIYAH.OR.ID, 2022, <https://muhammadiyah.or.id/2022/11/isu-strategis-muktamar-48-tegaskan-posisi-pandangan-muhammadiyah-di-tahun-politik-2024/>.

³⁰ Haedar Nashir et al., "MUHAMMADIYAH ' S MODERATION STANCE IN THE 2019 GENERAL ELECTION Critical Views from Within," *Al-Jāmi'ah: Journal of Islamic Studies* 57, no. 1 (2019): 1–24, <https://doi.org/10.14421/ajis.2019.571.1-24>.

prominent figure does not necessarily derive from a formal organizational position. In Muhammadiyah, a more institutionalized administrative structure permits a more explicit distinction between the official position of the *persyarikatan* and the political preferences of individual cadres, although this distinction does not entirely eliminate internal tensions.

From a legal perspective, these variations create a problem of attribution. The prevailing legal framework does not establish sufficiently clear criteria for determining when a statement, endorsement, or mobilization undertaken by an elite figure may be attributed to the organization; when the use of social networks remains an expression of individual political freedom; and when the use of an official position, organizational symbols, facilities, funding, or formal networks constitutes institutional partisan involvement. This ambiguity is significant because responsibility should not be imposed on an organization solely on the basis of an actor's identity or affiliation. Conversely, conduct cannot invariably be classified as personal where its political influence is generated through the use of official organizational authority and resources.

This problem demonstrates that formal non-party status is insufficient to determine the character of a political act. The analysis must consider at least four elements: the capacity in which the actor operates, the resources employed, the decision-making process, and the resulting political consequences. A statement made by a prominent figure in a personal capacity, for example, cannot automatically be attributed to the organization. The basis for attribution becomes stronger, however, where the individual uses an official position, an institutional forum, organizational symbols, facilities, funding, or structural instructions to influence members' political preferences. An activity- and resource-based approach is therefore more appropriate than assessing political involvement solely by reference to an organization's formal legal status..

The comparison between NU and Muhammadiyah consequently reveals two variations of non-party political intermediation. NU predominantly demonstrates a pattern of intermediation based on personal authority, Islamic boarding-school networks, and decentralized socio-religious relationships. Muhammadiyah more frequently channels its intermediary functions through institutional structures, policy advocacy, political education, and the articulation of public values. These differences do not imply that one organization is entirely personalistic while the other is wholly institutionalized. Both continue to exhibit intersections among official organizational positions, elite conduct, affiliated institutions, and members' individual political choices.

The principal finding of this section is that NU and Muhammadiyah formally maintain nonpartisanship while performing political functions through different institutional mechanisms. These variations affect the manner in which political conduct is attributed, evaluated, and subjected to accountability. In the case of NU, the primary challenge lies in distinguishing the personal authority of prominent figures from the organization's official position. In the case of Muhammadiyah, the challenge lies in determining the boundary between cadres' political freedom and the use of positions or resources belonging to the *persyarikatan*. This situation represents a concrete manifestation of legally underdefined non-party political intermediation: organizations

perform substantive political functions, while the law does not yet provide adequate parameters for distinguishing personal, institutional, partisan, and democratic conduct.

3.3. Economic Incentives and the Risk of Co-optation: Mining Policy for Religious Organizations

Relations between the state and civil society organizations are shaped not only through prohibitions and administrative sanctions but also through the allocation of access, recognition, and economic benefits. The mining policy applicable to business entities owned by religious societal organizations provides an important case through which to assess how the distribution of state-controlled resources may affect organizational autonomy, governance, and legitimacy. Unlike administrative dissolution, which directly restricts an organization's legal existence, the granting of economic access does not in itself violate freedom of association. It may, however, create a conflict of roles when an organization that performs critical and oversight functions in relation to the state simultaneously becomes a beneficiary of governmental decisions.³¹

The initial regulatory basis for this policy was Article 83A of Government Regulation No. 25 of 2024, which allowed Special Mining Business License Areas (*Wilayah Izin Usaha Pertambangan Khusus, WIUPK*) to be offered on a priority basis to business entities owned by religious societal organizations.³² The prospective permit holder is not the religious organization as an association, but a business entity owned or controlled by it. This distinction is important because the commercial activities, assets, liabilities, and risks associated with mining are formally assigned to a separate legal entity. Nevertheless, the separation of legal personality does not eliminate the relationships of ownership, economic benefit, decision-making authority, and reputational risk between the business entity and its parent organization.

When Government Regulation No. 25 of 2024 was issued, statutory law did not explicitly provide for priority access to be granted to business entities owned by religious organizations. This raised the question of whether the government regulation had expanded the categories of eligible priority recipients beyond the framework established by the Mineral and Coal Mining Law in force at the time. The legal configuration subsequently changed with the enactment of Law No. 2 of 2025. Article 51(1) expressly included business entities owned by religious societal organizations among the parties eligible to obtain mining areas through a priority mechanism.³³ Government Regulation No. 39 of

³¹ Yunus et al., "Mining Permits for Religion Organizations in Indonesia: Public Interest vs Islamic Ethics."

³² Republik Indonesia, "Peraturan Pemerintah Nomor 25 Tahun 2024 Tentang Perubahan atas Peraturan Pemerintah Nomor 96 Tahun 2021 tentang Pelaksanaan Kegiatan Usaha Pertambangan Mineral dan Batubara," *Lembaran Negara Republik Indonesia Tahun 2024 Nomor 89 . Tambahan Lembaran Negara Republik Indonesia Nomor 692*, 2024.

³³ Republik Indonesia, "Undang-Undang Nomor 2 Tahun 2025 Tentang Perubahan Keempat Atas Undang-Undang Nomor 4 Tahun 2009 Tentang Pertambangan Mineral dan Batubara," *Lembaran Negara Republik Indonesia Tahun 2025 Nomor 29. Tambahan Lembaran Negara Republik Indonesia Nomor 7100*, 2025.

2025 subsequently updated the implementing framework.³⁴ Criticism based on ultra vires action is therefore primarily relevant to the legal configuration prevailing in 2024. Following the statutory amendment, the central issues shifted toward transparency, objectivity, accountability, managerial capacity, and the control of conflicts of interest.

The responses of NU and Muhammadiyah to the policy reveal different institutional processes and justificatory language.³⁵ PBNU welcomed the policy as a form of governmental recognition and affirmative support for religious organizations, although it subsequently emphasized that mining operations must not harm residential communities, Indigenous peoples, or the environment. This position reflects relatively rapid institutional acceptance accompanied by a normative commitment to considering social impacts and complying with applicable state regulations. At the same time, such acceptance extends NU's role beyond that of a socio-religious organization and political intermediary by giving it an economic interest in a sector that remains highly dependent on governmental licensing and administrative approval.

Muhammadiyah initially stated that the mining offer required careful examination and should not be accepted automatically, given the need for technical capacity, professional governance, considerations of public benefit, and environmental protection. In July 2024, the Muhammadiyah Central Board decided to accept the offer to undertake mining operations while emphasizing the principles of prudence, professionalism, social welfare, and ecological responsibility.³⁶ This difference in the process of acceptance is insufficient to establish that Muhammadiyah is more independent or that NU has been co-opted. It primarily demonstrates variation in the organizations' processes of justification, public communication, and institutional decision-making.

The acceptance of mining access also cannot be directly characterized as political bribery or as proof that an organization has lost its independence. Such a conclusion would require evidence of an exchange between economic benefits and political support, an organizational change of position that could be causally linked to the granting of a concession, or governmental conditions requiring political loyalty. The available materials do not establish such a relationship. Accordingly, this study employs co-optation as a category of institutional risk rather than as a conclusion regarding the government's intentions or the political compliance of recipient organizations.

The risk of co-optation may operate through at least three mechanisms. First, an organization may face a conflict of interest when assessing or criticizing mining policies

³⁴ Republik Indonesia, "Peraturan Pemerintah Nomor 39 Tahun 2025 Tentang Perubahan Kedua Atas Peraturan Pemerintah Nomor 96 Tahun 2021 Tentang Pelaksanaan Kegiatan Usaha Pertambangan Mineral dan Batubara," 2025.

³⁵ Achmad Nasrudin Yahya, "Melihat Respons NU dan Muhammadiyah soal Konsesi Tambang," Kompas.com, 2024, <https://nasional.kompas.com/read/2024/06/07/11443241/melihat-respons-nu-dan-muhammadiyah-soal-konsesi-tambang?page=all>.

³⁶ Detik.com, "7 Hal Tentang Muhammadiyah yang Siap Kelola Tambang," detik.com, 2024, <https://news.detik.com/berita/d-7461904/7-hal-tentang-muhammadiyah-yang-siap-kelola-tambang>.

that also constitute the legal basis for the activities and profitability of its own business entity. Second, dependence on license renewals, the designation of mining areas, the approval of work plans, or other administrative decisions may affect public perceptions of the organization's freedom to criticize the government. Third, governance failures, environmental damage, violations of community rights, or social conflicts arising from the activities of the business entity may be attributed reputationally to the parent organization. The legal issue does not concern whether nonprofit organizations should be prohibited from owning business entities. Rather, it concerns the adequacy of mechanisms for functional separation, transparency regarding economic benefits, internal oversight, member participation, and public accountability.

Constitutional Court Decision No. 160/PUU-XXIII/2025, delivered on 16 July 2026, did not invalidate the involvement of business entities owned by religious organizations in the mining sector. The Court granted the application in part and affirmed that priority access could be justified only where it was based on clear parameters and an objective, transparent, and accountable assessment process.³⁷ Priority access therefore cannot be understood as a direct appointment made without evaluation. It constitutes a conditional preference that remains subject to an assessment of the prospective recipient's capacity and regulatory compliance.

The Court's intervention is important for legal certainty and the governance of mining-license allocation, but it does not fully resolve the question of organizational autonomy. Requirements of objectivity, transparency, and accountability primarily govern the relationship between the state and prospective recipients of mining areas. Conflicts of interest, by contrast, also arise within the relationships among the organization, its business entity, officeholders, members, affected communities, and the broader public. The decision does not establish a specific framework governing transparency in organizational decision-making, the separation of socio-religious leadership from business management, the disclosure of economic benefits, environmental accountability, or the protection of the organization's critical and oversight functions.

The mining case demonstrates that non-party political intermediation is influenced not only by the threat of restrictions but also by the distribution of state resources. Administrative dissolution and the granting of mining access should not, however, be treated as identical instruments. Administrative dissolution is a coercive measure that directly terminates an organization's legal status. Mining access is an economic policy that may generate benefits, strengthen social capacity, and contribute to welfare, but may also create dependency and conflicts of interest. Both affect organizational autonomy through different mechanisms: the former through a threat to legal existence and the latter through economic dependence on state decisions.

³⁷ Fristin Intan Sulistyowati dan Danu Damarjati, "Putusan MK : Pemberian Izin Tambang Ormas Tak Boleh Penunjukan Langsung," *Kompas.com*, 2026, <https://nasional.kompas.com/read/2026/07/16/19515211/putusan-mk-pemberian-izin-tambang-ormas-tak-boleh-penunjukan-langsung>.

The principal finding of this section is that the law has begun to regulate the parties eligible to obtain mining access and the procedures governing priority allocation, but it does not adequately address the consequences of such access for organizational independence, conflicts of interest, internal transparency, and the social-accountability functions of religious organizations. This regulatory deficiency broadens the problem of legally underdefined non-party political intermediation. The ambiguity arises not only at the boundary among personal, institutional, and partisan conduct, but also when an organization that originally functioned as an overseer of state conduct and an intermediary for societal interests becomes the holder of an economic interest whose continued viability is influenced by state policy.

4. Conclusion

This study demonstrates that Indonesia's legal framework governing societal organizations does not yet adequately regulate the non-party political intermediation performed by Nahdlatul Ulama and Muhammadiyah. The 2017 amendment to the Societal Organizations Law shifted judicial protection from review prior to dissolution to ex post review before the State Administrative Courts, even though the legal consequences of dissolution take effect before an organization obtains effective judicial scrutiny. At the same time, the law does not adequately distinguish among policy advocacy, official organizational positions, the individual conduct of elites, electoral mobilization, and the use of institutional resources. Both NU and Muhammadiyah formally maintain nonpartisan positions while performing political functions through different institutional mechanisms. The involvement of business entities owned by religious organizations in the mining sector further reveals the risk of conflicts of interest between the organizations' social-accountability functions and their position as beneficiaries of state policy. These findings support the concept of legally underdefined non-party political intermediation: a condition in which an organization's formal legal status is no longer sufficient to determine its political functions, the attribution of conduct, the allocation of accountability, or the permissible limits of state intervention.

This study is limited by its reliance on document-based socio-legal analysis. It therefore cannot establish a causal relationship between the granting of economic access, changes in organizational positions, and the occurrence of co-optation. Nor does it empirically assess the effectiveness of remedies available through the State Administrative Courts or the governance of business entities connected to NU and Muhammadiyah. Future research should employ interviews, observation, and systematic case-law analysis to examine organizational decision-making processes, conflicts of interest, the effectiveness of judicial protection, and the effects of economic benefits on organizational independence. Further research should also develop cross-national comparative analyses of non-party political intermediation.

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