



ISSN Print 2615-5648
ISSN Online 2615-174X

Editorial Office: Faculty of Sharia, Universitas Islam Negeri Profesor Kiai Haji Saifuddin Zuhri Purwokerto, Indonesia, Jalan Jend. A. Yani No. 40 A Purwokerto Jawa Tengah 531226 Indonesia
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Website: <http://ejournal.uinsaizu.ac.id/index.php/volksgeist>

Effectiveness of Criminal Offense Law Regarding Illegal Levies: Reforming Social Organizations within the Indonesian Legal Framework

Article

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Data:

Received: Apr 18, 2024;

Accepted: Dec 29, 2024;

Published: Dec 31, 2024

DOI:

[10.24090/volksgeist.v7i2.10882](https://doi.org/10.24090/volksgeist.v7i2.10882)

Abstract

The widespread occurrence of illegal levies suggests that the current laws are ineffective in addressing extortion practices by mass organizations. This ineffectiveness stems from inadequate supervision of youth organization activities, insufficient transparency in financial transactions, and weak enforcement measures against organizations engaging in extortion. Actions taken by these organizations, such as coercing traders for illegal levies or soliciting donations, constitute criminal offenses under Article 368, paragraph (1) of the Criminal Code and are further underscored in Article 59, paragraph (2) of the law on Mass Organizations. This article aims to examine the challenges posed by the ineffectiveness of existing laws concerning criminal offenses related to illegal levies perpetrated by mass organizations and their members. The research employs a normative legal analysis, focusing on applicable legal rules and various doctrines to address specific issues. The methodologies utilized include statutory and conceptual approaches. The findings indicate that the current mass organization law is ineffective and requires revision, particularly regarding legal frameworks governing donation requests (illegal collections) made through coercive means. The sanctions imposed on mass organizations engaged in these practices are not criminal, rendering them ineffective. This article proposes the revision of Law No. 16 of 2017, which stipulates government regulations, to replace Law No. 2 of 2017, thus amending Law No. 17 of 2013 concerning community organizations.

Keywords: *Community organization; illegal levies; legal effectiveness.*

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INTRODUCTION

Community Organizations (CSOs) play a vital role in a country's political framework as non-governmental entities that engage in state policy-making, either directly or indirectly. According to Sri Soemantri, there exists a political infrastructure within the broader political system, characterized as a means of bridging the aspirations of the populace with official state institutions.

This infrastructure comprises five components: political parties, pressure groups, interest groups, communication channels, and political figures.¹ Within this context, mass organizations function as pressure groups, interest groups, or tools for political communication. Their role as part of the political infrastructure is enshrined in the 1945 Constitution, specifically in Article 28E, paragraph (3), which guarantees every individual's right to freedom of association, assembly, and expression of opinions, both verbally and in writing.

This framework is further reinforced by Law Number 16 of 2017, which establishes Government Regulations in lieu of Law Number 2 of 2017, amending Law Number 17 of 2013 concerning Community Organizations (the law on mass organizations). This legislation asserts that mass organizations serve as a platform for exercising rights related to association, assembly, and public expression, all aimed at contributing to national development within the Unitary State of the Republic of Indonesia, founded on Pancasila principles.² Mass organizations are intended to prioritize societal interests, operating independently and without profit motives,³ thus maintaining their dignity by being non-profit-making and voluntary in their activities.

However, there is a significant disparity between this ideal and reality, as many mass organizations or their members engage in illegal levies through coercive means against the community. Such illegal levies can arise from various factors, including opportunities, tensions, and the perceived legitimacy of the actions.⁴ Incidents of illegal levies are often difficult to detect due to the emergence of new tactics or circumstances that facilitate extortion.⁵ For instance, in North Sumatra, a trader fell victim to illegal levies by an individual in a mass organization uniform, leading to an arrest by the Pancur Batu Police.⁶ Similarly, in Cengkareng District, Tangerang, mass organizations demanded donations under the guise of participation fees for Eid celebrations. The Polda Metro Jaya Police clarified that such donation requests, especially when made forcefully, constitute extortion.⁷ According to one businessman, illegal levies have become a common practice when constructing shophouses.⁸ Furthermore, the National Police Public Relations reported that 4,110 cases of illegal levies were handled by 34 regional police departments across Indonesia, implicating various community organizations as perpetrators.⁹

¹ Sri Soemantri, *Perbandingan Hukum Antar Negara* (Bandung: Penerbit Alumni, 1971), 11.

² “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,” n.d.

³ Ari Ganjar Herdiansah, “PERAN ORGANISASI MASYARAKAT (ORMAS) DAN LEMBAGA SWADAYA MASYARAKAT (LSM) DALAM MENOPANG PEMBANGUNAN DI INDONESIA,” *Sosioglobal: Jurnal Pemikiran Dan Penelitian Sosiologi* 1, no. 1 (2016), <https://doi.org/10.24198/jsg.v1i1.11185>.

⁴ Ainun Khafifah et al., “Model Implementasi Dan Problematika Akuntansi Sektor Publik Pemerintah Daerah Dalam Mencegah Fraud Di Era Digital,” *Paradoks : Jurnal Ilmu Ekonomi* 5, no. 4 (2022): 252–62, <https://doi.org/10.57178/paradoks.v5i4.385>.

⁵ Khafifah et al.

⁶ “Pria Berseragam Ormas Diduga Pungli Pedagang Martabak Di Sumut Ditangkap,” accessed April 3, 2024, <https://news.detik.com/berita/d-5938407/pria-berseragam-ormas-diduga-pungli-pedagang-martabak-di-sumut-ditangkap>.

⁷ “Polisi Ingatkan Ormas Minta THR Secara Paksa Bisa Dipidana,” accessed April 3, 2024, <https://www.merdeka.com/jakarta/polisi-ingatkan-ormas-minta-thr-secara-paksa-bisa-dipidana.html>.

⁸ “Setiap Ada Pembangunan, Oknum Anggota Ormas Pasti Minta Uang Jatah,” accessed April 3, 2024, <https://megapolitan.kompas.com/read/2018/09/16/14400461/setiap-ada-pembangunan-oknum-anggota-ormas-pasti-minta-uang-jatah>.

⁹ “Polri Catat 5 Daerah dengan Kasus Premanisme dan Pungli Terbanyak,” *merdeka.com*, June 17, 2021, <https://www.merdeka.com/peristiwa/polri-catat-5-daerah-dengan-kasus-premanisme-dan-pungli-terbanyak.html>.

One defining characteristic of illegal levies is that the transfer of assets occurs under coercion and threats. This pressure can come from the giver, who may feel compelled to pay due to fears that their business will suffer or to expedite the completion of their projects, or from the recipient, who seeks personal gain and enrichment. Socially, the practices of extortion—whether perpetrated by members of mass organizations or through organized structures—have become embedded in the activities of these organizations, contributing to the established social dynamics. This blending of illegal levies, begging, and thuggery creates confusion for the community,¹⁰ making it difficult to differentiate between legitimate fees, extortion, begging, and thuggish behavior. Consequently, this confusion can lead to a misrepresentation of extortion within the community, resulting in the misuse of mass organization resources, misleading reports about organizational activities and budgets, and tarnishing the reputation of youth organizations.¹¹ In this context, extortion emerges as a form of organized crime, manifesting through beggars, thugs, and mass organizations alike. Therefore, strict law enforcement¹² is essential in addressing this phenomenon.¹³

The prevalence of illegal levies and their frequent occurrence have led to the assumption that current legal provisions are ineffective in combating extortion practices carried out by mass organizations. The actions of these organizations, which include coercing traders for illegal levies or soliciting donations during Eid, are criminal offenses under the law. Article 368, paragraph (1) of the Criminal Code states that anyone who unlawfully compels another person to give something, whether wholly or partially, through force or threats, faces a maximum penalty of nine months in prison.¹⁴ Additionally, Article 59, paragraph (2) of the Law on Mass Organizations prohibits mass organizations from accepting donations that violate statutory regulations.

Previous research on the ineffectiveness of addressing illegal levies was conducted by Frans Setia et al. in their journal article titled “Application of E-Government in Preventing Illegal Levies in West Java Province.” The article discusses how the Siberli e-government application optimizes the resolution of illegal levies. The study's findings suggest that the Siberli application effectively tackles extortion, evidenced by data showing that the West Java Saber Pungli Task Force has processed at least 60,000 illegal levy cases over the past six years.¹⁵ However, this research is limited to West Java Province, meaning its findings do not apply to a national scale. Therefore, this study aims to explore the effectiveness of addressing extortion, particularly those perpetrated by

¹⁰ Sinta Devi Ambarwati, Sudarsono Sudarsono, and Shinta Hadiyantina, “Policies to Control and Evaluate Regional Regulations on Taxes and Levies in Indonesia: Re-Centralisation?,” *Jurnal Media Hukum* 30, no. 1 (March 1, 2023): 33–52, <https://doi.org/10.18196/jmh.v30i1.14172>; Hariyanto Hariyanto, “Risk-Based Business License and Problems Arising After The Job Creation ACT,” *Jurnal IUS Kajian Hukum Dan Keadilan* 10, no. 2 (August 23, 2022), <https://doi.org/10.29303/ius.v10i2.1082>.

¹¹ Khafifah et al., “Model Implementasi Dan Problematika Akuntansi Sektor Publik Pemerintah Daerah Dalam Mencegah Fraud Di Era Digital.”

¹² Dyah Mustika Prasetyaningsih et al., “Effectiveness of Environmental Law Implementation: Compliance and Enforcement,” *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi*, December 19, 2022, 215–25, <https://doi.org/10.24090/volksgeist.v5i2.6826>.

¹³ Pyandry, “Pungutan Liar Terorganisasi,” 2012, <https://pyandri.wordpress.com/2012/10/18/pungutan-liar-terorganisasi/>.

¹⁴ Fatmawati, Muhammad Shuhufi, and Anita Chaturvedi, “Defamation in the New Criminal Code: A Review of Substantive Justice,” *Jurnal IUS Kajian Hukum Dan Keadilan* 11, no. 3 (2023), <https://doi.org/10.29303/ius.v11i3.1288>.

¹⁵ Frans Setia and et.al, “Application of E-Government in Preventing Illegal Levies in West Java Province,” *Jurnal Kuasa* 1, no. 1 (2024).

youth organizations, on a national level by incorporating various law enforcement tools, including regulations, law enforcement programs, and community participation.

Furthermore, research on illegal levies was also conducted by Sulasno et al. in a journal article titled “Law Enforcement against Illegal Levies as a Form of Abuse of Authority through Saber Pungli.” This article examines the enforcement of laws against illegal levies, categorizing them as an abuse of authority. The study finds that illegal levies conducted by State Civil Apparatus or other government officials constitute a misuse of power. As a result, it emphasizes the need for strict oversight of government employees to prevent such practices.¹⁶ While the study primarily focuses on extortion by government officials, it acknowledges that the perpetrators of extortion are diverse, including members of youth organizations. Therefore, this research will delve deeper into the effectiveness of addressing extortion committed by youth organizations.

Tolib Effendi and Rusmilawati Windari also explored the complexities surrounding extortion in their journal article titled “Conceptual Dualism of the Imposition of Illegal Levies as a Corruption Offence and a General Offence.” This article highlights the ambiguous legal definitions of extortion, leading to confusion between extortion and corruption. The study reveals a lack of clear boundaries in the legal application of extortion, resulting in duality in its classification as both an extraordinary crime and a general offense.¹⁷ It discusses the need for clearer legal formulation to ensure certainty in enforcement. Additionally, the enforcement of laws against extortion is crucial for cleaning up communities. Consequently, this study will analyze the effectiveness of law enforcement against extortion perpetrated by youth organizations.

Research conducted by Gamal Haryo Putro et al. in their article titled “Handling of Illegal Levies by the Task Force to Clean up Illegal Levies in Indonesia (Reviewed from the Aspects of Planned Behavior and Technology)” further underscores the urgency of addressing extortion in society. The findings indicate that the prevalence of extortion is largely due to inadequate law enforcement, which faces several challenges, including the fact that the Illegal Levies Eradication Task Force is not a law enforcement body, ineffective extortion eradication units, regulatory gaps such as the absence of derivative regulations, and low community involvement.¹⁸ The study discusses these general obstacles to enforcement. Thus, this research will specifically focus on handling extortion by youth organizations.

Lastly, Dr. I Wayan Gde Wiryawan conducted a study titled “The Legality of Law Enforcement Against Illegal Levies Conducted by Customary Village in Bali.” The study analyzed efforts to eradicate extortion across various public sectors to promote a clean and transparent government. It highlights the need to address illegal actions by traditional villages that collect money from their communities. The findings suggest that traditional villages can collect levies as long as they adhere to their own regulations (awig-awig) and agreement (pararem).¹⁹ This specifically addresses

¹⁶ Sulasno, Sunardi, and Joko Setiono, “Law Enforcement against Illegal Levies as a Form of Abuse of Authority through Saber Pungli,” *International Journal of Law and Politics Studies* 5, no. 2 (2023).

¹⁷ Tolib Effendi and Rusmilawati Windari, “Conceptual Dualism of the Imposition of Illegal Levies as a Corruption Offence and a General Offence,” *Integritas: Jurnal Antikorupsi* 8, no. 2 (2024).

¹⁸ Gamal Haryo Putro, “Handling of Illegal Levies by the Task Force to Clean up Illegal Levies in Indonesia (Reviewed from the Aspects of Planned Behaviour and Technology),” *Journal of Contemporary Issues in Business and Government* 28, no. 4 (2022).

¹⁹ Dr. I Wayan Gde Wiryawan, *The Legality of Law Enforcement Against Illegal Levies Conducted by Customary Village in Bali, Proceedings Interreligious and Intercultural Studies Religious Pluralism in Sotheast Asia*, 2018.

extortion by traditional villages, while this article will focus on analyzing the effectiveness of eradicating extortion by youth organizations.

Based on this overview, this article will discuss the legal effectiveness of Law Number 16 of 2017, which establishes Government Regulations in lieu of Law Number 2 of 2017, amending Law Number 17 of 2013 concerning Community Organizations. The analysis will focus on Article 59, paragraph (2) of the Mass Organization Law in conjunction with Article 368, paragraph (1) of the Criminal Code, which outlines penalties for individuals and mass organizations engaging in illegal levies. This article will address the ineffectiveness of current laws regarding criminal offenses for illegal levies committed by mass organizations and their members. Additionally, it will propose solutions to restore the dignity of mass organizations as essential components of the political infrastructure within the Indonesian political system.

RESEARCH METHODS

The research method employed in this article is normative legal research. Peter Mahmud Marzuki defines normative legal research as a type of legal inquiry that identifies applicable legal rules and various legal doctrines to address specific issues.²⁰ Additionally, this research utilizes library and secondary legal materials as foundational resources for examining relevant regulations and legal literature related to the identified problems.²¹ Consequently, normative legal research aligns the issue at hand with existing legal provisions, employing doctrinal approaches or legal theories. Through these methods, the authors aim to conduct a thorough analysis of legal policies concerning the eradication of illegal levies by youth organizations. The research employs both statutory and conceptual approaches. The statutory approach focuses on Law Number 16 of 2017, which establishes Government Regulations in lieu of Law Number 2 of 2017, amending Law Number 17 of 2013 concerning Community Organizations and the Criminal Code. Meanwhile, the conceptual approach draws on various expert theories related to legal effectiveness. The author analyzes the signs or characteristics of extortion by youth organizations to formulate an ideal framework for their activities and oversight of funding and transactions, ensuring compliance with applicable laws and regulations.

ANALYSIS AND DISCUSSION

Position and Implications of Illegal Levies from Community Organizations

The formulation of a community organization concept necessitates active participation from community groups in establishing economic, political, and socio-cultural associations, reflecting the democratization and openness of state life in Indonesia.²² With the emergence of various organizations with diverse backgrounds and objectives, it is expected that individuals will voluntarily choose to join community organizations based on their professions, social interests, cultural affiliations, religions, and beliefs.²³

²⁰ Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana Prenada Media Group, 2005).

²¹ Soerjono Soekanto and Sri Mamudji, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat* (Jakarta: Raja Grafindo Persada, 2001).

²² Ganjar Herdiansah, "PERAN ORGANISASI MASYARAKAT (ORMAS) DAN LEMBAGA SWADAYA MASYARAKAT (LSM) DALAM MENOPANG PEMBANGUNAN DI INDONESIA."

²³ Riska Porawouw, "Peran Tokoh Masyarakat Dalam Meningkatkan Partisipasi Pembangunan (Studi Di Kelurahan Duasudara Kecamatan Ranowulu Kota Bitung)," *Politico: Jurnal Ilmu Politik* 3, no. 1 (Agustus 2016), 1154.

This concept is rooted in democratic principles that advocate for creating a public sphere through community organizations. Such a public sphere²⁴ is envisioned as a space where the community can engage in discussions on matters of public interest, freely debate differing opinions based on traditions, beliefs, and pressures, and seek solutions through rational dialogue.²⁵ As Habermas argues in “The Theory of Communicative Action,” this public space facilitates cooperation among communities, leading to the discovery of objective truths in problem-solving through communication among individuals and groups.²⁶

In the Indonesian context, Article 28 of the 1945 Constitution mandates this freedom of association and assembly, as well as the expression of thoughts, both orally and in writing, as regulated by law. The underlying spirit of this article, as articulated in the comprehensive amendments to the 1945 Constitution,²⁷ emphasizes the need to accommodate community aspirations within state legal products, marking a significant milestone in building a democratic Indonesia that respects equality and human rights.²⁸ This concept is intended to invigorate the development of civil society in Indonesia, creating alliances that play a strategic role in policy-making and state development. In this framework, the state and political elites do not wield absolute power, as there exists a platform for advocating the interests of the people, providing a counterbalance to government authority.²⁹

Civil society and the state share a mutually beneficial relationship, where each complements the other, facilitating the distribution of power within a country and ensuring that all state policies reflect the public interest.³⁰ Community organizations can serve as platforms for monitoring governmental abuse of power.³¹ In this framework, the state can establish legal legitimacy and responsive policies, enabling both civil society and government actors to access public spaces in an accountable, transparent, and responsive manner.³² This collaboration allows the state and civil society to work together through community organizations to develop policies rooted in the social interactions of the broader community.³³

However, there are significant deviations in the behavior and engagement of community organizations. Conflicts have arisen between mass organizations and instances of anarchism, with members exploiting the identity of these organizations to conduct illegal levies.³⁴

²⁴ Stephen Eric Bronner and Douglas Kellner, *Critical Theory and Society: A Reader* (New York: Routledge, 1989), 136-42.

²⁵ Jonathan Turner, *The Structure of Sociological Theory* (Boston: Wardsworth Publishing Company, 1998), 560.

²⁶ Jurgen Habermas, *The Theory of Communicative Action: Reason and Rationalization* (Boston: Beacon Press, 1984), 10-11.

²⁷ Sekretariat Jenderal dan Kepaniteraan Mahkamah Konstitusi, *Buku 8 Naskah Komprehensif Perubahan Undang-Undang Dasar NRI Tahun 1945* (Jakarta: Sekretariat Jenderal dan Kepaniteraan Mahkamah Konstitusi, 2010), 168.

²⁸ Sekretariat Jenderal dan Kepaniteraan Mahkamah Konstitusi, 168.

²⁹ Firman Noor, “Oposisi Dalam Kehidupan Demokrasi: Arti Penting Keberadaan Oposisi Sebagai Bagian Penguatan Demokrasi Di Indonesia,” *Masyarakat Indonesia* 42, no. 1 (June 2016): 52.

³⁰ Muchtar et al., “Juvenile Criminal Responsibility in Justice Systems: A Comparative Study of Judicial Interpretations in Indonesia and Australia,” *Jambe Law Journal* 7, no. 2 (n.d.), <https://doi.org/10.22437/home.v7i2.387>.

³¹ Ganjar Herdiansah, “PERAN ORGANISASI MASYARAKAT (ORMAS) DAN LEMBAGA SWADAYA MASYARAKAT (LSM) DALAM MENOPANG PEMBANGUNAN DI INDONESIA.”

³² Muhammad Ishar Helmi, Pujiyono Pujiyono, Khamami Zada, Encep Encep. 2024. “Ambiguity Degrees of Courtesy in Trial: Ethical and Legal Norms, Legal Reasoning in Judicial Decisions”, *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 8 (2): 1098-1120. <http://dx.doi.org/10.22373/sjhk.v8i2.23540>.

³³ Otho H. Hadi, “Peran Masyarakat Sipil Dalam Proses Demokratisasi,” *Makara: Sosial Humaniora* 14, no. 2 (Desember 2010): 117-29.

³⁴ Denny Zainuddin, “Analisis Penanganan Konflik Antar Organisasi Kemasyarakatan Di Sumatera Utara (Medan) Dan Jawa Tengah (Surakarta),” *Jurnal Hak Asasi Manusia* 7, no. 1 (July 2016): 12.

Illegal levies are frequently perpetrated by members of mass organizations, as evidenced by extortion cases involving demands for security payments in Medan and incidents of extortion under the guise of holiday allowances (THR) in Purbalingga.³⁵ Article 59, paragraph (2), letter (a) of Law Number 16 of 2017 concerning Community Organizations explicitly prohibits mass organizations from accepting or providing donations that contravene statutory regulations.

In essence, mass organizations often intimidate individuals to extract money or resources under the pretense of providing security against external threats. This notion suggests that these organizations are both the source of and solution to perceived dangers, using violence and coercion to present themselves as protectors.³⁶ Charles Tilly characterized this practice as a form of thuggery, where individuals create a threat and then charge a fee for protection from it.³⁷

Beyond extortion and intimidation related to security payments and holiday allowances, acts of violence by unscrupulous community organizations frequently disrupt communities. For example, a fruit vendor in Medan faced abuse for refusing to pay security fees,³⁸ while project staff in Depok were assaulted by members of a mass organization for declining to provide a specified amount of money.³⁹ Such actions starkly contradict the mandate of Article 59, paragraph (3), letter c, which prohibits mass organizations from engaging in violence, disturbing public peace, or damaging public and social facilities.

Furthermore, this practice undermines the fundamental role of mass organizations as vehicles for community empowerment and platforms for expressing citizens' opinions.⁴⁰ Currently, many community organizations are increasingly associated with violent conflict and anarchic behavior. These organizations need to adhere to laws and regulations, which form the foundation of state life in Indonesia as a rule-of-law nation.⁴¹ Such issues erode the community's sense of security regarding the presence of these organizations. Data from Polda Metro Jaya indicates that violence involving mass organizations has affected 78 individuals, resulting in eight fatalities, 29 serious injuries, and 41 minor injuries. Additionally, community members not affiliated with these organizations have also suffered harm, with one reported death and 38 others sustaining serious or minor injuries due to violence perpetrated by individuals outside the community organizations.⁴²

This situation illustrates a shift in the relationship between community organizations and state authorities, which should ideally reflect cooperation in policymaking and implementation. Instead, it has devolved into a dynamic where the state interacts with violent groups.⁴³

³⁵ "Pedagang Buah Dikeroyok Karena Tolak Beri THR Ke Preman Pasar," accessed April 3, 2024, <https://regional.kompas.com/read/2021/06/04/205528878/pedagang-buah-dikeroyok-karena-tolak-beri-thr-ke-preman-pasar>.

³⁶ Ian Douglas Wilson, *The Politics Of Protection Rackets In Post-New Order Indonesia: Coercive Capital, Authority And Street Politics* (London: Routledge, 2015), 14.

³⁷ Ian Douglas Wilson, 12.

³⁸ "Palak Pedagang Bermodus Uang Keamanan, Ketua Ormas Di Medan Ditangkap," accessed April 3, 2024, <https://news.detik.com/berita/d-5737093/palak-pedagang-bermodus-uang-keamanan-ketua-ormas-di-medan-ditangkap>.

³⁹ I. D. N. Times and Dicky, "Tak Diberi Uang, Anggota Ormas di Depok Keroyok Pengawas Proyek Jalan," IDN Times, accessed April 3, 2024, <https://www.idntimes.com/news/indonesia/dicky-12/tak-diberi-uang-anggota-ormas-di-depok-keroyok-pengawas-proyek-jalan>.

⁴⁰ Prasetyaningsih et al., "Effectiveness of Environmental Law Implementation."

⁴¹ Sayuti, "Konsep Rechtsstaat Dalam Negara Hukum Indonesia," *Nalar Fiqh: Jurnal Kajian Ekonomi Islam Dan Kemasyarakatan* 4, no. 2 (Desember 2011): 81.

⁴² Gatot Eddy Pramono, "Transformasi Organisasi Kemasyarakatan (Ormas) Menjadi Kelompok Kekerasan (Studi Kekerasan Ormas Di Jakarta)," *Jurnal Keamanan Nasional* 1, no. 2 (Desember 2015): 256.

⁴³ Roger V. Gould, "Collective Violence and Group Solidarity: Evidence From A Feuding Society," *American Sociological Review* 64, no. 3 (June 1999): 356–80.

According to legal sociology, the law should not only be reviewed from a normative perspective (i.e., the law as written) but also concerning its sociological context (i.e., the law in action or law as it exists in reality). R. Otje Salaman and Anthon F. Susanto define legal sociology as the study of a reciprocal relationship between law and various social phenomena that share empirical and analytical connections. This field aims to understand the law as it is (*quid fact*) rather than as it ought to be (*quid jury*).⁴⁴ The persistence of extortion in society, despite existing regulations, indicates that the norms intended to combat extortion remain ineffective; they exist only as ideals without translating into reality. This aligns with the Roman philosopher Cicero's assertion, *ubi ius ibi societas*, meaning “where there is law, there is society.”⁴⁵ Thus, a norm can only be considered effective if it is followed and capable of regulating societal behavior. In this case, extortion continues to thrive, particularly among youth mass organizations.

Ineffectiveness of Criminal Law Regarding Illegal Levies

Illegal levies by Community Organizations (CSOs) or members of mass organizations have become a prevalent issue, highlighting the ineffectiveness of current laws in addressing these offenses. This phenomenon has, in effect, become a habitual practice among mass organizations and individuals who engage in extortion during business ventures or holiday seasons.⁴⁶ Regulation concerning extortion offenses committed by mass organizations are outlined in Law Number 16 of 2017, which amends Law Number 17 2013 concerning Community Organizations (the law on mass organizations).

Article 59, paragraph (2) of the Mass Organization Law prohibits mass organizations from accepting donations in any form that contradicts statutory regulations. A key violation of these provisions occurs through coercion or threats during extortion attempts.⁴⁷ Consequently, the relevant articles must be clearly defined when illegal levies take place. This context must at least satisfy the elements of a criminal as specified in Article 368, paragraph (1) of the Criminal Code, which includes several criteria: benefiting oneself or another unlawfully, employing coercion through violence or threat, and involving property belonging to another person.

The ineffectiveness of these provisions can be analyzed through the principles of legal effectiveness outlined by Soerjono Soekanto. He identifies five key factors that influence the practical application of law: the legal framework itself, law enforcement, the resources or facilities that support enforcement, community support for the law,⁴⁸ and cultural factors, which reflect human relationships and social dynamics.⁴⁹ However, this article will focus on the legal factors, law enforcement factors, and the resources that facilitate law enforcement.

⁴⁴ Umar Sholahudin, “Pendekatan Sosiologi Hukum Dalam Memahami Konflik Agraria,” *Jurnal Dimensi* 10, no. 2 (2017): 50.

⁴⁵ Umar Sholahudin, 51.

⁴⁶ “Setiap Ada Pembangunan, Oknum Anggota Ormas Pasti Minta Uang Jatah”; “Polisi Ingatkan Ormas Minta THR Secara Paksa Bisa Dipidana.”

⁴⁷ Hariyanto Hariyanto, “Prinsip Keadilan Dan Musyawarah Dalam Hukum Islam Serta Implementasinya Dalam Negara Hukum Indonesia,” *JUSTICIA ISLAMICA* 11, no. 1 (2014).

⁴⁸ Muhammad Ruhly Kesuma Dinata et al., “Good Governance and Local Wisdom in Law Enforcement,” *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* 5, no. 2 (2022): 227–42, <https://doi.org/10.24090/volksgeist.v5i2.6740>.

⁴⁹ Imanuddin et al., “Construction of Consumer Protection Against Illegal Online Loan Transactions As a Means of IUS Constituendum in Indonesia,” *Jurnal IUS Kajian Hukum Dan Keadilan* 11, no. 3 (2023): 539–56, <https://doi.org/10.29303/ius.v11i3.1312>.

The first factor to consider is the legal framework, particularly the provisions of the Mass Organization Law regarding the offense of soliciting illegal donations. This offense is addressed in Article 59, paragraph (2). It is crucial to note that this offense is categorized not as a criminal offense but as an administrative violation under Article 60, paragraph (1). This distinction means that requests for donations that contravene statutory regulations, including coercion tactics employed by members of mass organizations, may only be viewed as administrative infractions. Such ambiguity creates legal gray areas and undermines legal certainty.

For criminal offenses to be effectively prosecuted, they must align with the provisions of this article, enabling accountability for all members or individuals within a mass organization who solicit donations illegally. While criminal law is considered the last resort (*ultimum remedium*), the actions of mass organization members who request donations through threats or violence should be classified as individual offenses. This classification aligns with the principles that hold individuals accountable for the action⁵⁰ rather than treating them as mere administrative errors subject to administrative sanctions protection. Therefore, legal frameworks must provide adequate protection, particularly for those directly affected by violations, as part of the law's effectiveness as a mechanism for social change.⁵¹

In contrast, the law governing levies in Nigeria offers a more structured approach. The Lagos State Local Government Levies Law, enacted on July 12, 2010, by the Lagos State House of Assembly, clearly defines legitimate and illegitimate levies for local governments or Local Government Areas (LGA). Sections 10-12 of the Act outline various violations, including the collection of unregistered or illegal levies, creating roadblocks, or obstructing roads for levy collection, as well as collecting levies or fines without lawful authority. Additionally, Section 11(c) imposes a penalty of up to three years in prison or a fine of up to N500,000 for violators, including local government agents, staff, or unauthorized officials acting beyond their approved capacities. Furthermore, Article 11 (4) of the Law provides additional protection for LGA officers in the course of their duties, stipulating a more severe penalty of up to five years in prison for anyone who injures an authorized official while they are performing their responsibilities.⁵²

Therefore, the prohibition of extortion for youth organizations should encompass more than just a ban on such actions. The law must also clearly define the criteria for illegal levies, particularly those involving violence or coercion.⁵³ While the Lagos State Local Government Levies Law does not specifically address extortion by youth organizations, it provides a more detailed framework for regulating illegal levies and protects law enforcement officials in their efforts to combat extortion.⁵⁴

The second factor influencing the effectiveness of law in society is law enforcement. This factor is crucial because law enforcers are responsible for implementing the law within the community. Effective law enforcement requires individuals who are not trusted by the public but also possess

⁵⁰ Barda Nawawi Arief, *Bunga Rampai Kebijakan Hukum Pidana* (Bandung: Citra Aditya Bakti, 1996), 773.

⁵¹ Winarno Yudho and Heri Tjandrasari, "Efektivitas Hukum Dalam Masyarakat," *Jurnal Hukum Dan Pembangunan* 17, no. 1 (1987): 60.

⁵² "The Lagos Chamber of Commerce and Insustry, Evaluation of The Lagos State Local Government Levies Law," August 2012, www.lagoschamber.com.

⁵³ Habib Shulton Asnawi, "Membongkar Paradigma Positivisme Hukum Dalam Pemberantasan Korupsi Di Indonesia: Pemenuhan Hak Asasi Manusia Dalam Negara Hukum," *Supremasi Hukum: Jurnal Kajian Ilmu Hukum* 2, no. 2 (2013), <https://doi.org/10.14421/sh.v2i2.1933>.

⁵⁴ "The Lagos Chamber of Commerce and Insustry, Evaluation of The Lagos State Local Government Levies Law."

the skills to meet the community's needs and communicate effectively in their roles.⁵⁵ In cases of extortion and coercive donation requests by members of mass organizations, the role of law enforcement is vital, as they are the first line of defense for these crimes.

The quality and integrity of law enforcement should not rely solely on responding to public reports. Instead, law enforcement agencies should collaborate with various stakeholders, such as local civil society organizations (LSOs), to prevent and monitor extortion by youth organizations. A similar approach has been observed in Manipur, India, where law enforcement actively works to protect the public from extortion. Although extortion in India may not be attributed to a single organization or group as it is with youth organizations in Indonesia, the Indian government's law enforcement strategies can serve as a useful reference.

For instance, law enforcement officers should receive specialized training to use technology, such as wiretapping, to detect and prevent extortion in their jurisdiction. Additionally, if extortion becomes severe and poses a threat to public safety, the police may need to collaborate with the military to take decisive action against perpetrators from the youth organizations, thereby curbing ongoing thuggish behavior.

Moreover, when new business developments occur, independent audits should be mandated for development projects. All institutions, including LSOs and mass organizations, must be subject to strict oversight concerning funding and transparency in financial transactions, with annual economic and social audits conducted.⁵⁶

Furthermore, from a legal perspective, it is essential to emphasize that failing to report extortion threats can be considered complicity in the offense. Additionally, offering rewards for those who come forward to report extortion can significantly enhance efforts to prevent these illegal activities.⁵⁷

Efforts to combat extortion significantly impact economic activities within communities. A notable example is in Abia State, Nigeria, where the government promotes a conducive business environment and supports small business sustainability by eliminating illegal levies and streamlining tax structures. This reform aims to reduce double taxation and illegal fees that impede local economic development. While these efforts may not directly involve youth organizations, the Abia State Government's initiatives reflect a commitment to enhancing the prosperity of its citizens. Additionally, the Nigerian government has removed various mobile levies to ensure that the economic sector can thrive without interference from groups exploiting new developments or businesses for extortion.⁵⁸

In addressing extortion, the Nigerian government, particularly for Anambra State, has implemented policies to simplify tax regulations, improve compliance, and foster a supportive

⁵⁵ Harris Yonatan Parmahan Sibuea, "PENEGAKAN HUKUM PENGATURAN MINUMAN BERALKOHOL (LAW ENFORCEMENT REGULATION OF ALCOHOLIC BEVERAGES)," *Negara Hukum: Membangun Hukum untuk Keadilan dan Kesejahteraan* 7, no. 1 (December 27, 2017): 127–43, <https://doi.org/10.22212/jnh.v7i1.926>; Ema Mar'ati Sholecha et al., "Justice Collaborator's Position and Function on Witness Protection's Rights as a Suspect from the Perspective of Criminal Law in Indonesia," *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi*, June 30, 2023, 131–43, <https://doi.org/10.24090/volksgeist.v6i1.7246>.

⁵⁶ Brigadier Sushil Kumar Sharma, "Taxation and Extortion: A Major Source of Militant Economy in Northeast India, Vivekanda International Foundation," *Occasional Paper*, July 2016.

⁵⁷ Brigadier Sushil Kumar Sharma.

⁵⁸ Pind Foundation, November 1, 2024, <https://pindfoundation.org/policy-brief-on-multiple-taxation-and-illegal-levies-on-businesses-in-abia-state/>.

and sustainable business environment to prevent unauthorized extortion.⁵⁹ This approach allows business and economic activities to flourish without obstruction.

Article 59, paragraph (2) of the Law on Mass Organizations, in conjunction with Article 368, paragraph (1) of the Criminal Code, establishes provisions regarding requests for donations that violate statutory regulations, particularly in cases involving coercion. Article 59, paragraph (3) addresses extortion, whether involving violence or not, against traders or businesspeople, categorizing these acts as ordinary offenses. Such offenses can be prosecuted criminally without the need for a complaint from the victim, allowing them to be prosecuted under criminal law.⁶⁰ The notion of an ordinary offense is reflected in criminal behavior that impacts public interests or order, rather than being solely based on individual loss. Extortion and coercive donation requests by mass organizations, especially when accompanied by threats or violence, qualify as ordinary offenses.

In the cases of such offenses, witnesses or victims should report incidents directly to the police. Once a report is filed, an investigation can ensue. If the investigation progresses, the case cannot be withdrawn as it pertains to public interest. The dynamics of extortion and coercive donation requests frequently occur and cannot rely solely on reported incidents. Law enforcement must actively monitor extortion activities perpetrated by members of mass organizations against traders, particularly in traditional market areas that are often targeted.

The police play a crucial role in preventing extortion, especially within a proactive framework. Under the Community Organization Law, extortion is considered a general offense, allowing an investigation to commence without complaints from witnesses or victims. Therefore, effective law enforcement hinges on the actual conduct of law enforcers. However, there is a tendency for the public to equate the law with the actions of officers or law enforcement personnel.⁶¹

The third essential factor is the sources or facilities that support law enforcement. The effectiveness of implementing laws relies on individual law enforcers and the institutional system in place, including available resources.⁶² In Manipur, India, for instance, enhancing facilities to prevent and combat extortion involves providing special training to police officers in utilizing technology, such as wiretapping, to detect and prevent extortion in their jurisdictions. Additionally, collaboration between the military and police may be necessary when extortion escalates to extreme violence, disrupting the safety and security of the community.⁶³

The Indonesian National Police can enhance their efforts to combat extortion by collaborating with LSOs that operate in similar fields. This partnership can strengthen community involvement in eradicating extortion, particularly those perpetrated by youth organizations. Additionally, the police can implement large-scale patrols or establish anti-extortion posts to facilitate public reporting of extortion activities or signs of illegal practices by youth groups.

With the rapid advancement of digital technology, law enforcement can leverage these tools to improve their efforts. The government could create an official website to streamline the reporting

⁵⁹ Ezeanokwasa Francisca Nkiru et al., "Multiple Taxation And Business Survival: A Case Study of Anmbra State, Nigeria, Development Policy and Management Review" 4, no. 1 (2024).

⁶⁰ PAF Lamintang, *Dasar-Dasar Hukum Pidana Indonesia* (Bandung: Citra Adita Bakti, 2013), 207.

⁶¹ Ellya Rosana, "Kepatuhan Hukum Sebagai Wujud Kesadaran Masyarakat," *Jurnal TAPIS* 10, no. 1 (June 2014): 17.

⁶² Atang Hermawan Usman, "KESADARAN HUKUM MASYARAKAT DAN PEMERINTAH SEBAGAI FAKTOR TEGAKNYA NEGARA HUKUM DI INDONESIA," *Jurnal Wawasan Yuridika* 30, no. 1 (2014): 26–53, <https://doi.org/10.25072/jwy.v30i1.74>.

⁶³ Brigadier Sushil Kumar Sharma, "Taxation and Extortion: A Major Source of Militant Economy in Northeast India, Vivekanda International Foundation."

of extortion incidents. This platform could also provide educational resources to inform the public about the characteristics of extortion and help identify potential perpetrators, enabling citizens to report related cases effectively. Through these reports, law enforcement can take action against those involved in extortion. However, it is crucial to promote awareness of such resources, ensuring that the public understands how to utilize technology to combat extortion by youth organizations.

Currently, police efforts to prevent illegal levies by members of mass organizations rely primarily on reports from witnesses or victims. To enhance proactive measures, it is essential to establish facilities that support law enforcement, enabling timely interventions before extortion occurs—such as through regular patrols.⁶⁴ These patrols aim to maintain security and public order by addressing potential disturbances, whether they stem from external threats or natural events.⁶⁵ Therefore, these facilities play a critical role in supporting law enforcement, especially in executing preventive actions against criminal offenses or extortion perpetrated by mass organization members.

The fourth factor influencing the effectiveness of law enforcement is community involvement. This factor indirectly affects the previous elements. When laws aimed at eradicating extortion and coercive donation requests fail to be enforced effectively, extortion practices can become normalized within the community, leading to a situation where the law gradually loses its relevance. This phenomenon, known as desuetude, refers to the negative legal effect of habitual practices that undermine the applicability of existing laws.⁶⁶ As explained by Hans Kelsen and adapted by Jimly Asshiddiqie and M. Ali Safa'at, norms may remain valid for a time but lack practical enforcement.⁶⁷ Consequently, if legal measures are ineffective and do not deter extortion, the continued practice of such behaviors may invalidate the Mass Organization Law governing extortion and coercive donation requests.

Community involvement in eradicating extortion needs to be strengthened. Surveys indicate that 100% of respondents reported donating when asked for security money by youth organizations.⁶⁸ However, 77% expressed unease about these organizations due to the illegal levies, often accompanied by violent tactics. Despite the discomfort, only 8% reported incidents to the police, while 31% chose to remain silent. In contrast, 39% opted to inform their local community leaders (RT/RW).⁶⁹

As previously mentioned, community engagement in reporting incidents and proactive law enforcement through patrols are crucial for eradicating extortion. Therefore, an educational platform is necessary, along with a reporting system to facilitate community involvement in the fight against extortion. Such resources can serve as both a facility and educational medium to accelerate the eradication of extortion by law enforcement.

⁶⁴ Faisal Abdaud, Ming-Hsi Sung, Wahyudi Umar. 2022. Corruption During Non-Natural Disaster: Is Death Penalty Necessary?. *Jurnal Media Hukum* 29 (1): 54-64. <https://doi.org/10.18196/jmh.v29i1.14247>.

⁶⁵ Tim Penyusun, *Patroli* (Jakarta: Lemdiklat Polri, 2019), 14; Andi Sofyan and Nur Azisa, *Hukum Pidana* (Makassar: Pustaka Pena Press, 2016), 6.

⁶⁶ Jimly Asshiddiqie and M. Ali Safa'at, *Teori Hans Kelsen Tentang Hukum* (Jakarta: Konstitusi Press, 2018), 94.

⁶⁷ Jimly Asshiddiqie and M. Ali Safa'at, 95.

⁶⁸ Muhammad Ishar Helmi, Mara Sutan Rambe, and Eva Latifah Hanum, *Respon Masyarakat Terhadap Pungutan Liar Ormas Kepemudaan* (Pusat Penelitian dan Penerbitan Lembaga Penelitian dan Pengabdian Kepada Masyarakat UIN Syarif Hidayatullah Jakarta, 2022).

⁶⁹ Muhammad Ishar Helmi, Mara Sutan Rambe, and Eva Latifah Hanum.

Reconstructing the Role of Community Organizations and Oversight of Special Institutions for Illegal Levies

The rapid growth in the number and diversity of activities undertaken by community organizations in both national and state affairs calls for an expanded role, function, and responsibility from these organizations. They are essential in contributing to national goals, such as promoting the general welfare, fostering an educated citizenry, and participating in the establishment of a world order based on independence, lasting peace, and social justice, all while upholding the sovereignty of the Unitary State of the Republic of Indonesia. As community organizations evolve, it is crucial to ensure that they have the necessary protections to engage in their activities, express opinions, and foster collaboration. This responsibility falls to the state and is articulated in statutory regulations,⁷⁰ in line with Article 28 of the NRI Constitution, which guarantees every citizen the right to associate and express their thoughts both verbally and in writing, including membership in community organizations.

The effectiveness of individuals in participating in democracy is closely linked to personal development, rooted in the concept of citizenship. In a democratic society, this moral development cultivates a greater sense of responsibility for one's actions. Individuals should enjoy a high degree of personal autonomy in both individual and collective decision-making, which is essential for their self-development and the overall advancement of society.

In a contemporary society that embraces democratic principles, the capability to engage in political roles is fostered through general elections. It is anticipated that civil society networks, facilitated by community organizations, will advocate for reforms in policies, laws, and regulations, contributing to the legislative process and other democratic initiatives.⁷¹ The strength of civil society, represented through these organizations, is expected to reflect the will of the majority, as these institutions should genuinely defend the interests of the public. Although the implementation of policies may not always align with the aspirations of civil society, the collective voice and pressure from community organizations can influence government policies or legislative measures deemed unfavorable to the populace.⁷²

Regrettably, many community organizations today are not immune to harmful practices that undermine their foundational purpose. These include extortion through violence or threats and coercive requests for donations. Such actions are often driven by economic motivations and can lead mass organizations to engage in anarchic behavior that disturbs public order.⁷³ Consequently, there is an urgent need to revitalize the spirit of these organizations and eradicate such detrimental practices. Achieving this requires a comprehensive system that fosters community organizations that are aspirational, democratic, innovative, accountable, and committed to maintaining public

⁷⁰ Kristina Viri and Cornellius Bramantya P.S., "Urgensi Rancangan Undang-Undang Perkumpulan," *Jurnal Legislasi Indonesia* 18, no. 3 (September 2021): 324–36.

⁷¹ Joko Riskiyono, "Partisipasi Masyarakat Dalam Pembentukan Perundang-Undangan Untuk Mewujudkan Kesejahteraan," *Aspirasi* 6, no. 2 (Desember 2015): 160.

⁷² Sandy Pratama, Arief Hidayat, and Putri Aisyah, "Mendorong Reformasi Parlemen Melalui Kekuatan Civil Society Di Indonesia," *Journal of Political Issues* 1, no. 1 (July 2019): 57.

⁷³ Catur Wibowo and Herman Harefa, "Urgensi Pengawasan Organisasi Kemasyarakatan Oleh Pemerintah," *Jurnal Bina Praja* 7, no. 1 (March 2015): 15.

order.⁷⁴ To facilitate this, state intervention is crucial in establishing a framework for monitoring community organizations in Indonesia.

Given the importance of freedom of expression, community organizations need to operate responsibly in terms of ethics, substance, and legality. They must be prepared to face social and legal consequences if their public statements are found to violate statutory provisions. The freedom to express opinion—a fundamental principle for community organizations—should not conflict with the values of decency, order, and national unity in Indonesia.⁷⁵ This underscores the need for comprehensive legal frameworks governing community organizations. The increase in mass organizations since the post-reformation era, along with the emergence of anarchist groups engaging in violence, extortion, and disruptions to public order, is a serious concern that demands urgent action.⁷⁶

First, preventive measures are necessary, alongside a process of skills development and character education led by the government. Anarchism and extortion within community organizations are often driven by the economic or political interests of their members.⁷⁷ To combat this, it is vital to establish systems for skills and entrepreneurship training for community organization members. By enhancing their economic capabilities through training, these individuals will likely be less inclined to engage in extorting.⁷⁸ Additionally, community organizations can return to their core purpose as innovative institutions that empower their members. The government, particularly the Ministry of Home Affairs, should also focus on character education for members of mass organizations. This will ensure that community organizations effectively represent public interests and that their leadership demonstrates the competency needed to bridge the needs of the state and society—as an essential requirement for Indonesia's democratic system.⁷⁹

The Ministry of Home Affairs can take the lead through the Directorate of Community Organizations, providing education to youth mass organizations to discourage extortion and promote entrepreneurial development. Furthermore, the Minister of Home Affairs should also collaborate with the Minister of Law and Human Rights to exercise greater caution in issuing organizational ratification decrees. Once the Minister of Law and Human Rights ratifies an organization, the ministry's responsibility should not end; ongoing oversight is crucial. A model for this can be seen in India, where strict supervision of mass organizations regarding funding and financial transparency is enforced. Implementing an accountable annual audit would enhance this oversight.

Second, it is essential to create a dedicated monitoring body for community organizations under the National Police of the Republic of Indonesia. Such a body would effectively monitor behavior patterns and help eradicate illegal levies or extortion by unscrupulous community

⁷⁴ Nashrul Wahyu Suryawandan and Endang Danial, "Implementasi Semangat Persatuan Pada Masyarakat Multikultural Melalui Agenda Forum Kerukunan Umat Beragama (FKUB) Kabupaten Malang," *Humanika* 23, no. 1 (Mei 2016): 47.

⁷⁵ Mara Ongku HSB, "Ham Dan Kebebasan Berpendapat Dalam UUD 1945," *Al-Wasath Jurnal Ilmu Hukum* 2, no. 1 (April 2021): 32.

⁷⁶ Ganjar Herdiansah, "PERAN ORGANISASI MASYARAKAT (ORMAS) DAN LEMBAGA SWADAYA MASYARAKAT (LSM) DALAM MENOPANG PEMBANGUNAN DI INDONESIA."

⁷⁷ Catur Wibowo and Herman Harefa, "Urgensi Pengawasan Organisasi Kemasyarakatan Oleh Pemerintah," 15.

⁷⁸ Chusnil Chotimah, Rohmad Widodo, and Trisakti Handayani, "Efektivitas Lembaga Pemberdayaan Masyarakat Desa Dalam Pelaksanaan Pembangunan Desa Bululawang," *Jurnal Civic Hukum* 4, no. 2 (2019): 103.

⁷⁹ Wawan Risnawan, "PERAN DAN FUNGSI INFRASTRUKTUR POLITIK DALAM PEMBENTUKAN KEBIJAKAN PUBLIK," *Dinamika : Jurnal Ilmiah Ilmu Administrasi Negara* 4, no. 3 (September 13, 2017): 511–18, <https://doi.org/10.25157/dinamika.v4i3.1952>.

organizations.⁸⁰ This proactive approach can alleviate public concern about the violence and anarchism often associated with mass organizations. Ultimately, this will help maintain the integrity of community organizations, ensuring they remain partners and overseers of the state in public policy formulation. To achieve this, character education and democratic training programs for members of mass organizations are imperative.⁸¹ An effective system of character education and democratic training can foster innovative problem-solving and contribute to the goals of the Unitary State of the Republic of Indonesia.

Furthermore, to eliminate extortion perpetrated by youth organizations, the Police can collaborate with LSOs operating in the same area. They should also coordinate with the military when extortion involves violence that threatens public safety, and enhance oversight of youth organizations as they execute their programs and activities. This supervision can include patrolling or implementing a new initiative specifically designed to address extortion complaints. Currently, the official website, <http://saberpungli.itwasum.polri.go.id/aduan>, features only a reporting page. As previously mentioned, leveraging technology to combat extortion aims to educate the public and provide information on how many organizations have been reported, as well as the signs or characteristics of extortion that harm the community, prompting necessary reporting.

Establishing such a design and supervisory framework for community organizations would represent a significant advancement in addressing the root causes of issues related to mass organizations in Indonesia. Consequently, both existing and future mass organizations can fulfill their roles effectively as partners in community development, under Indonesian laws and regulations.⁸² This framework aligns with the ideals of an Indonesian legal state that prioritizes public welfare, lasting peace, and social justice.

CONCLUSION

The Law on Community Organizations remains ineffective in addressing the issue of extortion by youth mass organizations, primarily because the sanctions imposed on violators are limited to administrative penalties without any criminal repercussions. The situation is further complicated by the police, who often adopt a passive approach, waiting for reports rather than actively patrolling to prevent extortion. Based on these findings, the researcher recommends first revising Law Number 16 of 2017, which establishes the Government Regulation in Lieu of Law Number 2 of 2017 as an amendment to Law Number 17 of 2013 concerning Community Organizations. The revision should include a requirement for character education and democratic training implemented by the Ministry of Home Affairs. This recommendation aims to cultivate the character of mass organization members, ensuring they operate within the legal framework. Additionally, similar to the Lagos State Local Government Levies Law in Nigeria, the extortion law should clearly define legitimate and illegitimate practices, establish stringent criminal penalties for extortionists and those who fail to report extortion, and protect law enforcement officials working to eradicate extortion. Second,

⁸⁰ Kristina Viri and Cornelli Bramantya P.S., "Urgensi Rancangan Undang-Undang Perkumpulan," 333.

⁸¹ Megawati Barthos, "Rekonstruksi Peran Ormas Dalam Menciptakan Keamanan Untuk Mewujudkan Tujuan Pembangunan Di Provinsi DKI Jakarta Berdasarkan Undang-Undang No. 17 Tahun 2013 Tentang Ormas," *Lex Publica: Jurnal Ilmu Hukum Asosiasi Pimpinan Perguruan Tinggi Hukum Indonesia* 3, no. 1 (2016): 73.

⁸² Mohammad Mulyadi, "Organisasi Masyarakat (Ormas) Dompot Dhuafa Dalam Perspektif Pemberdayaan Masyarakat," *Aspirasi: Jurnal Masalah-Masalah Sosial* 3, no. 2 (2012): 177.

it is essential to create a dedicated supervisory body for mass organizations or a Police Task Force specifically focused on eliminating extortion and addressing coercive donation requests. This unit should prioritize eradicating and preventing extortion while utilizing technology effectively. The police should engage in collaborative efforts with the military and LSOs to maximize community involvement in the fight against extortion.

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