

ABSTRACT

The decision of the President Joko Widodo to issue Government Regulation in Lieu of Law Number 2 of 2017 on Community Organization has triggered controversy. The President argues that its regulation is necessary needed to protect the state from any ideological threats. However, human rights activist argues that the decision of President to issue Government Regulation in Lieu of Law is a violation of fundamental rights of citizens, particularly freedom of organization which is protected by the 1945 Constitution. This is an interesting issue to be discussed in the light of president authority and human rights protection. By using normative legal and descriptive qualitative method, the research found that the Constitutional Basis of President Authority in enacting Government Regulation in Lieu of Law emphasizes in Article 22 paragraph 1 of the 1945 Constitution and the criteria is further asserted by the Constitutional Court Decision. The Constitutional Court states that the criteria of compelling crisis situations are if there is an urgent need to solve legal problems quickly based on the law, there is a vacuum of law, the vacuum of law can not be solve by making the law in a normal procedure. The House of Representative should take initiate to amend Law Number 16 of 2017 on the enacting Government Regulation in Lieu of Law Number 2 of 2017 on Community Organization considering the aspiration of citizen and House of Representatives has to pay attention the basic principle of State, that Indonesia is based on the rule of law. Therefore, involving court decision in the process of dissolution of Community organization is still needed.

Keyword: The Authority of President, Government Regulation in Lieu of Law, Community Organization.