

Legal Dispute Settlement Model of Nahdatul Ulama Community Organization Leadership

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Abstract. As a plural country, Indonesia guarantees freedom of association, gather and have an opinion on every citizen. The PCNU of Brebes Regency as a branch organization of the central management of NU is an Ormas located in Brebes Regency, become a representative of PBNU in carrying out the mandate and tasks of the organization. In the course of the election of the chairman of the board, it often becomes a problem and makes relations between the administrators tenuous. This is what is happening in the management of the PCNU of Brebes Regency management. The problems in this research include: 1). What is the chronology of the leadership dispute in the PCNU of Brebes Regency? 2). How is the legal concept of resolving disputes over the leadership of mass organizations in the PCNU of Brebes Regency. The type of this research is normative by using Case Approach and Statute Approach. The results of this study indicate that the leadership dispute in the PCNU of Brebes Regency occurs due to several factors, namely: There is no firmness in each group either from the internal organization or from the local government. The legal concept for resolving existing disputes is by using the concept of Islah, the concept of Mediation, the concept of Pesantren Culture, the concept of the role of the regional head, and settlement with the court concept.

Keywords: Conflict, Management Dualism

1. Introduction

The definition of Community Organization is an association held jointly by a group of people on the basis of the same will, needs, aspirations, motivational impulses and similar activities in the context of realizing state development and the fulfillment of state ideals based on Pancasila. The influence and participation of mass organizations cannot be denied, especially in the context of efforts to liberate Indonesia from the clutches of the colonialists. Many mass organizations actually play an important role, such as the Budi Oetomo movement organization. From several historical sources, Budi Oetomo is even considered the first mass organization in Indonesia as well as the main organization in the National Awakening Movement. However, the recognition of Islamic movement groups (founded October 16, 1905), states that the Islamic Union is more worthy of being considered as the basis of the national revival movement.

An association must contain a number of provisions relating to management, both at the central, regional or provincial level, Branches, Sub-Branched to the branch level which are structured and in accordance with the rules that apply to the organization and association. In its journey, the formation of the management of a community organization is usually met with friction, both friction with the external organization or even with the internal organization of the organization which is usually related to the "Scramble" for the management of the organization.

Among the largest organizations in Indonesia are organizations that have a religious background as their ideology, such as Nahdlatul Ulama and Muhammadiyah. Nahdlatul Ulama or more familiarly called NU, is an organization that is concerned with religious, educational and social values and also played a role in the process of the birth of the Unitary State of the Republic of Indonesia. As an organization with a wide range of distribution, NU's position of course has its own influence and bargaining value, especially from a political perspective. So not infrequently, administrators at all levels have their own position that cannot be underestimated. Moreover, NU has a large citizen base and is loyal to its organization. For some people, that is, NU is very interesting with all the motives and backgrounds of interest.

This side sometimes creates a bit of friction when the chairman election is held, either at the Central or PBNU, Regional or PWNU and Branch or PCNU levels. Such friction sometimes creates internal disputes within the organization that are difficult to avoid. PCNU Brebes Regency as a branch organization of the Central NU management is an organization located in Brebes Regency, being an extension of PBNU in carrying out the mandate and duties of the organization. Therefore, the PCNU of Brebes Regency is submissive and obedient to the applicable regulations. Among the responsibilities and obligations of the Brebes Regency branch management is to conduct a Branch Conference, namely the highest Deliberation forum at the Branch level. In the 2015-2020 NU AD/ART, there are 6 things that are discussed in the Konfercab, namely :

- a) Written report of NU Branch Management
- b) Five-year work program
- c) Discuss and establish sharia law and society
- d) Recommendation by organization
- e) Alhul Halli wa Al-aqdi (AHWA)
- f) Election of PCNU chairman

Of the six discussion points mentioned above, point F or the last point is the most interesting point and most often causes small friction. Admittedly or not, the election of the chairman of the board is often a problem and creates strained relations between the management. If this is the case, then the noble goals of the organization will be a bit hampered. In the implementation of the Brebes PCNU Conference which took place at the Al Bukhori Tanjung Islamic Boarding School, there were two elections for the chairman of the PCNU which were attended by all members of the Branch Representative Council or MWC throughout Brebes Regency as representatives from each sub-district in Brebes Regency. However, both elections received the same number of votes, so as a rule, the syuriyah council is allowed to appoint from the two pairs of candidates for chairman to be appointed as chairman. The two candidates are KH. Muhammad Aqso and KH. Nasrudin. At the appointment made by the syuriyah council, KH. Muhammad Aqso as the elected chairman.

Starting from an election system like this, friction friction disputes begin. The KH. Nasrudin, who was not appointed by the Syuriyah Council, considered the decision unfair and

avored one of the candidates for chairman. In the end, this dispute was brought to the PBNU level and re-election was carried out. Unfortunately, the result of the re-election at PBNU was different from the election conducted by PCNU. This means that the candidate chosen by the Syuriah branch did not gain victory when he was re-elected at PBNU. Obviously, discord increasingly heated, plus PBNU issued a decree for the chairman of the PCNU of Brebes Regency for the candidate for chairman who was elected in the election at PBNU or H. Nasrudin. Even though he has received a decree, H. Nasrudin has not received a recommendation from the Regional Management or PWNU.

So the problems and disputes regarding the election of the Chair of the Brebes PCNU are increasingly complicated and difficult to resolve. Broadly speaking, there are 2 things that become obstacles:

1. KH. Muhammad Aqso as a candidate for chairman appointed by Syuriah PCNU Brebes did not get a decree from PBNU, but was recommended by PWNU Central Java. PWNU considers that the results that have been produced in the Konfercab are correct and in accordance with the provisions of the organization
2. KH. Nasrudin who is in re-election at PBNU or KLB (Extraordinary Conference), on September 6, 2020 at the Al Hikmah Islamic Boarding School, Benda Sirampog, Brebes. Although he received a decree from PBNU, he did not receive a recommendation from PWNU Central Java.

Those two outlines then created a dispute between the two. Each claimed to be the Branch Manager of the Nahdlatul Ulama, Brebes Regency. Those who did not receive the decree felt that the re-election at PBNU was considered invalid, because it was suspected that those who departed for re-election at PBNU were people who did not receive a letter of assignment from the MWCNU of each sub-district. In addition, PWNU has recommended them as branch managers. Meanwhile, those who received the SK felt stronger because of the issuance of the SK from PBNU even though they did not receive a recommendation from PWNU. Whereas the AD/ART states that the NU Branch Management must obtain a recommendation from PWNU before receiving a decree from PBNU.

The impact of all this is the dualism of the management of the Brebes PCNU, almost all activities are carried out by the two of them, so that grassroots members are confused. Each of them acts as an administrator for the NU branch. Departing from the description of this case, the author considers it important and necessary to conduct a study on the resolution of dualism in the management of PCNU in Brebes Regency. The author is concerned with the model of dispute resolution or dispute resolution that can be taken so that it can be resolved. Moreover, even though the object of the study is local, the results can also be used as a reference for resolving the same dispute even in a different organization.

2. Method

This type of research is library research. Library research is research that is carried out through library data collection or research carried out to solve a problem which basically relies on a critical and in-depth study of relevant library materials. This research includes library research

because data sources can be obtained from libraries or other documents in written form, both from journals, books and other literature.

3. Discussion

3.1. Chronology of Leadership Dispute at PCNU Brebes Regency

Every association, union and organization must have its own dynamics. Among the dynamics that often arise in an organization is the feud between members of the management. However, such a dynamic is very, very reasonable, it is just a matter of how the dynamics are arranged in such a way so that they can be completed in a short and protracted time, and the PCNU of Brebes Regency is in this condition.

Who would have thought that the Brebes Regency PCNU Branch Conference which was held on October 28, 2018 which was held at the Al Bukhori Islamic Boarding School, Tanjung Subdistrict, would be the beginning of the emergence of dualism in the management of the Brebes Regency PCNU. Dualism here, is translated by the existence of the two managements of the PCNU in Brebes Regency. Each has loyal cadres and carries out their respective versions of management duties.

Until this research was conducted, the rivalry between the management dualism is still ongoing. The author is not present and defending either party. However, in order to be able to come up with a solution formulation with its options, it seems that it is necessary to trace back to the beginning of the cold war between the two camps. The results of interviews with representatives of each of the two parties resulted in a chronological understanding of the occurrence of the PCNU leadership dispute in Brebes Regency.

In the provisions of the AD/ART of the Jam'iyah Nahdlatul Ulama Organization, it is stated how the mechanisms and rules regarding the election of the Nahdlatul Ulama Branch Manager are stated. Article 42 paragraph (1) of the Nahdlatul Ulama By laws states:

The selection and determination of the Nahdlatul Ulama Branch Management is as follows:

- a) Rais was elected directly through deliberation and consensus with the Ahlul Halli wal 'Aqdi system.
- b) Ahlul Halli wal 'Aqdi consists of 5 scholars who are appointed directly in the Branch Conference.
- c) The criteria for the scholars to be selected to become Ahlul Halli wal 'Aqdi are as follows: have Aqeedah Ahlussunnah wal Jama'ah Annaahdliyah, be fair, 'alim, have moral integrity, tawadlu', influential and have the knowledge to choose leaders who are munadzdzim and muharrrik and wara ' and zuhud.
- d) The chairman is elected directly through deliberation for consensus or voting in the Konfercab, by first expressing his willingness orally or in writing and obtaining approval from the elected Rais.

The selection of Rais was carried out through the AHWA (Ahlul Halli wal 'Aqdi) deliberation, namely deliberations conducted by 5 scholars who were previously elected directly at the branch conference. The election of the Tanfidziyah Chairperson is carried out through deliberation for consensus or voting. In the Branch conference activities conducted by the Brebes Regency PCNU, the election of Rais which was carried out using the AHWA mechanism, chose

KH. Aminudin Masyhudi as Rais Syuriah went smoothly without a hitch. After that, the election of the Tanfidziyah Chairperson is carried out by voting or voting mechanism. But before that, you must express your willingness to take part in the contest for the election of the Chair, either verbally or in writing which has previously received approval from the elected Rais Syuriah. Two candidates for the chairmanship also appeared and received approval from the elected Rais Syuriah. The two names are 1. KH. Muhammad Aqsa and 2. KH. Nasrudin.

The election for the chairman of the PCNU of Brebes Regency took 2 (two) rounds. The first round resulted in the same number of votes, so a second election had to be held. But apparently, the second round was still with the same number of votes. This point which by one of the candidates for the chairman of the PCNU Brebes, became the authority of the elected Rais Syuriah (KH. Aminudin Masyhudi) and his staff to choose one of the two candidates for chairman. As a result, KH was chosen. Muhammad Aqso as chairman of the PCNU of Brebes Regency. The conference was over and at that time, all parties (according to the narrative of KH. Aqso) accepted and agreed on the results of the conference.

The problem actually arose after the conference was over. After a few months, the KH. Nasrudin stated that he did not accept the results of the conference held at the Al Bukhori Tanjung Islamic Boarding School. This starting point then led to the emergence of dualism in the management of PCNU in Brebes Regency. The KH. Nasrudin then went to the PBNU office in Jakarta to re-elect the results of the Brebes Regency PCNU conference. Re-election was carried out, and the result KH. Nasrudin as the winner. The results from the PBNU were then used by KH. Nasrudin as proof of his legality as a legitimate PCNU administrator in Brebes Regency, especially after getting a decree from PBNU. Because it has pocketed a decree from PBNU, on September 4-6, 2020, the inauguration of the PCNU Brebes will be held located at the Al-Hikmah 1 Benda Islamic Boarding School, Sirampog, Brebes.

But even though the inauguration of the Brebes Regency PCNU has been carried out, it does not mean that the rivalry has subsided. In fact, the "cold war" of the two Brebes Regency PCNU Management is getting worse. Both still exist, still carrying out activities on behalf of the PCNU Brebes management. This happened more because of the re-voting conducted at PBNU according to KH. Muhammad Aqso was deemed to have violated the applicable rules and ruled out two (2) things: First, overriding the results of the branch conference that had been carried out. This means that PBNU considers the results of the Brebes Regency PCNU conference activities that were carried out as meaningless. Second, according to organizational rules, PBNU as the management of Nahdlatul Ulama at the central level is considered to have taken actions to cut the organizational coordination line. In this case, the Nahdlatul Ulama Regional Board of Central Java was ruled out and cut the direct line to the Brebes Regency PCNU.

In simple terms, the author can conclude that indirectly the rivalry of the PCNU management in Brebes Regency actually occurs based on the recognition of the NU management at the regional level (PWNU Central Java) and the central level (PBNU). This can be easily traced through the history of news coverage in online media, in this case NU Online Central Java and NU Online (central). The two online media when mentioning the management of the PCNU in Brebes Regency, they will mention a different chairman and management. NU Online Central Java has always identified the management of the PCNU of Brebes Regency with Rais Syuriah KH. Aminudin Masyhudi and the chairman of Tanfidziyah KH. Muhammad Aqso, while the NU Online (central) media identified the management of the Brebes Regency PCNU with Rais

Syuriyah KH. Khusnan Zain and the Head of Tanfidziyah KH. Nasrudin (Both have died and were replaced by KH. Labib Shodiq, Lc as Rais Syuriyah and Drs. H. Samsul Maarif, M.Pd as Chairman of Tanfidziyah). However, in a news report published in the central NU media, NU Online, there was also news that contained information that KH. Muhammad Aqso is the chairman of the PCNU of Brebes Regency. This is actually a contradiction, because if you look at the date of the news, the news was published on August 31, 2020, whereas previously, on March 20, 2020 it contained news that mentioned KH. Nasrudin as Chair of the PCNU Tanfidziyah, Brebes Regency. Obviously this is a big question mark, why in March 2020 announced the position of KH. Nasrudin as Chairman of the PCNU of Brebes Regency, while 5 (five) months later (August) he reported that KH. Muhammad Aqso as Chairman of the PCNU of Brebes Regency. Not only that, the rivalry between the two managements of the Brebes Regency PCNU also each has an online website while still both acting on behalf of the Brebes Regency PCNU. PCNU Brebes website for KH. Muhammad Aqso used the name "PC NU Brebes Regency", while the PCNU Brebes Website by Drs. KH. Samsul Ma'arif used the name "nubrebes".

3.2. Concept of Legal Dispute Resolution of Ormas Leadership at PCNU Brebes Regency Leadership Dispute Resolution Efforts

Nahdlatul Ulama As a large organization, even claimed to be the largest community organization, both in Indonesia and in the world, of course, it does not guarantee that the organization's journey is free from internal conflicts. Moreover, NU is an organization that has a big role and influence in every line of life of the nation and state. The bigger the organization, the more opportunities for conflict to arise within the organization. The same is true for the Nahdlatul Ulama organization. History records that when NU voted out of the ranks of the Masjumi Party (1952), the party conflict had occurred. The same thing happened when NU was still an active part of PPP (1973-1984), when it returned to Khittah (1984), and after the collapse of the New Order (1998-2003). What is happening within NU is actually quite contradictory. This is based on two reasons. First, in the pesantren tradition, the attitude of being obedient is prioritized, especially in the figure of the kiai. Second, but on the other hand, when faced with the level of political association, it even gave birth to a prolonged political conflict. This is considered quite unique, because in carrying out its political life, NU often uses the principles of ushul fiqh as its basis. And this should be able to make NU to be able to play a flexible and compromising role.

In Brebes Regency itself, the existence of the NU organization has played a role in determining the direction of politics, although it is often seen that NU is only used as a political vehicle by some politicians. This is because NU has a large and loyal voice base. It would be a shame if it couldn't be hooked up to win the political battle. Aware of such a large position of influence, the structural position of NU in Brebes Regency also has a selling point that should be taken into account. Instead of prioritizing the values of khidmah in Jam'iyah Nahdlatul Ulama, what appears to be the opposite, seems to be scrambling to become the structural administrator of the Brebes Regency PCNU. The struggle for that position was then carried out by people outside the structural management as a dualism in the management of the PCNU of Brebes Regency. As seen from the outside, the struggle has never met a meeting point, solution and settlement. Even the two camps on behalf of the Brebes Regency PCNU seem to be fighting each other 'strongly', which is not strong means they lose.

At any moment, both of them are seen to represent PCNU Brebes, which they each lead. Both of them put up posters on social media, complete with their respective versions of the head of Tanfidziyah and Rais Syuriah. In fact, the two of them each held a KARTANU (Nahdlatul Ulama Membership Card) and SISNU (NU Strategic Information System). The first was promoted by the management of KH. Muhammad Aqso and the second was carried out by the Drs. H. Samsul Ma'arif. It's just about making membership cards, it's already seen how the dualism of the management has had a bad impact. The management under the management of PCNU in Brebes Regency was confused, they had to make membership cards through which branch management.

In almost every activity and any moment, both of them display the features of the Brebes Regency PCNU Structural Management. Such a sight, of course, is a bad sight, because it will set a bad example for future generations. What is seen is no longer a heavy attitude to accept the mandate as a characteristic of NU, instead showing persistence in maintaining their respective leadership egos. If the leadership dispute does not end well through steps that are acceptable to both parties, then it is certain that the reputation of NU as a large organization will be tarnished. It is possible that, in the future, internal conflicts and disputes like this will always exist. Therefore, the current conflicts and disputes are formatted in such a way and the solutions are formulated so that they can become a reference for future resolutions. So in this study, the author would like to offer several alternative solutions for resolving legal disputes over the management of the Nahdlatul Ulama community organization, Brebes Regency.

3.3. Brebes Regency NU Leadership Dispute Resolution Concept

Among the functions and uses of law is to be able to resolve all problems (Conflict Of Human Interest). With a function like this, in fact every conflict or dispute that cannot be resolved through negotiation and peace, hopes to be able to be resolved through the courts. If peace resolves problems, it can be seen from the achievement of justice by accepting and forgiving each other between the parties involved. In a dispute, the achievement of justice can be seen from individual justice, namely by being able to prove or not an act by a judge's decision. To be able to resolve civil law problems, everyone will be much more satisfied if they are resolved through the Peace Institute. This is because peace is a solution that is more beneficial to the conflicting parties and does not only benefit one party. win-win solution is the best characteristic of peace over conflicts, disputes and problems experienced in human life.

Everything must have a purpose and purpose, the law is no exception. The main purpose and objective of the law is to actualize a system of social life that is orderly, balanced, and capable of creating order in the midst of social life. Thus, all interests and rights of all people will be protected. To apply these noble goals and intentions, the law is present by trying to divide the rights and obligations between the components of society, regulating what is the authority and preparing solutions for any existing problems and also trying to maintain the law with certainty.

Because the object of this research is an Islamic organization, the authors assume that incorporating the concept of *islah* into the PCNU leadership dispute resolution model in Brebes Regency is something that is linear and in line with the values held by the organization. It seems strange, precisely when the author does not include the concept of *islah* as a part of the dispute resolution model.

Basically, philosophically and theologically, islah has a goal to be able to restore the dignity of all disputing parties, replace conflicts that occur with peace, change insults by forgiving and stop efforts to demand and blame each other. Conflicts and problems are not resolved through the green table, but are resolved through negotiations, peace and deliberation.

Islah is a contract that has a purpose and a purpose in order to end a conflict between the two warring parties. Islah is a dispute resolution system by preventing conflicts that will occur and stopping disputes and conflicts that have already occurred. Because if these conflicts and disputes are carried out for a long time and long in duration, then it may lead to destruction.

The dualism of management within the PCNU of Brebes Regency ideally must be in easy and easy ways to be resolved, moreover, the basis of the organization is religious values. It is very contradictory to have one goal to serve and develop an organization that you both love, but have to keep fighting just because of the management structure. Of course, this can be an indicator of how the two opposing camps actually organize the way they are organizing. So it should have been resolved by way of reconciliation as an alternative to the resolution of the PCNU legal dispute in Brebes Regency.

Resolving legal disputes over the leadership of NU Brebes by way of islah is actually the most appropriate way. This is not only to maintain the organization's privacy, but also as a way to resolve problems without involving parties outside NU's internal affairs.

Several parties that need to be involved in the process of concluding the two warring camps are:

- 1) Both parties to the management of NU Brebes Regency, namely the management of KH. Muhammad Aqso and Drs. H. Samsul Ma'arif
- 2) Representatives of the Board of Branch Representatives (MWC)
- 3) Regent, as head of regional government
- 4) Representatives of regional administrators and central management (PWNU and PBNU)

What is discussed in the islah process is an agreement to jointly end the dualism of management. The agreement was stated in a statement letter from both parties to be willing to cooperate in managing the organization.

The basic principle of mediation is the main basis for carrying out mediation activities philosophically. The basic principle of this mediation is a basic description of what a mediator should do. That way, the mediation activities carried out by the mediator are not far apart from the philosophical boundaries that are the background for the establishment of mediation institutions.

Ruth Carlton's view of the five basic principles of mediation, as referred to by David Spencer and Michael Brogan, is known as the five foundations of the philosophy of mediation. The five are: Confidentiality, volunteering, empowerment, neutrality, and providing a unique solution.

c. Completion with the concept of Islamic boarding school culture

Islamic boarding school is an educational institution originating from Indonesia largest and has strong roots. Islamic boarding schools as Islamic educational institutions in Indonesia, emerged from the early days of the spread of Islam carried out by the Walisongo in the archipelago, then continued to survive and experience development, through various conditions of the period until now. It is appropriate to say that the pesantren has succeeded in dealing with

various problems, problems and conflicts that exist, both minor conflicts to major conflicts, even from the pressure of the colonialists for a long time. All of them are evidence that Islamic boarding schools are strong and solid educational institutions in devoting themselves to providing education for the nation, especially Islamic religious education.

There are 5 (five) stages of the conflict or dispute process. The first stage is to display the conditions, starting from the causes and sources that give rise to opportunities for conflict to arise. Such conditions actually do not directly lead to disputes or conflicts, but one of the two needs to be aware of the existence of conflict, so that it appears to the public to become a conflict whose impact is felt by many people. In the case of dualism in the management of the PCNU in Brebes Regency, the things that trigger internal conflicts or disputes are disagreements (according to the results of the interviews, the disagreements emerged only after some time after the conference was over) the results of the Brebes PCNU conference and the implementation of the KLB at PBNU and the issuance of SKs that arose. therefore.

The second stage is conflict conditions, both the conditions for the existence of the conflict through views (perceived conflict) and feelings (felt conflict) which are considered as conflict. In fact, any kind of condition can be called a conflict with a note, there are those who judge or feel it as a conflict and actually perceive it as a conflict as well. This process requires parties, either individuals or in the form of groups to be able to bring up conflicts that occur so that they can then be resolved as expected. The conflict within the PCNU of Brebes Regency is actually about the tug-of-war which side according to each is 'more legal', constitutional and legal by organizational rules. This then came to the fore, especially on social media, especially Facebook.

On social media, the two camps openly carry out activities that broadcast their existence. For example, during the month of Ramadan, the two warring factions jointly carried out activities on behalf of the Brebes Regency PCNU activities, even in the pamphlets or pictures distributed on social media that included information as chairman and rais, complete with their respective photos. This is then viewed by people as a conflict. And so it came true.

The third point is a situation that shows the conflict position between the parties involved in the dispute. This can be seen from the form of bickering, efforts to avoid each other or the outburst of anger and emotional outbursts that often arise between the two. If this position has colored the conflict situation that has occurred, it can be an indicator of a conflict that actually exists and requires a solution to be resolved immediately. The figure and role of a kiai is required to be immediately aware of the emergence of conflicts, the goal is that conflicts that arise can be resolved immediately.

In the case of dualism in the management of NU in Brebes Regency, the conflict that occurred did not end in a quarrelsome situation, but moved away from each other and was somewhat angry with the rival 'opponent', which seems to be true. It can be concluded from every interview the author conducted with the two disputing parties. The focus of the parties or camps in dispute is always on the truth of each that they believe in and of course away from each other.

So there should be someone who is brave and willing to sacrifice to be the initiator of peace between the two warring camps. It was they who then attempted to present kyai khos figures who had no bias to one of the disputing parties. This inclination is actually the most important thing. Therefore, it is necessary to look for kyai figures who are truly neutral and outside the management structure. This method is actually not too much different from the concept of *islah*.

It's just that the settlement with the concept of pesantren culture is dominated by the important role of kyai as mediators and decision makers.

The fourth stage, dispute resolution with various methods to resolve existing disputes or conflicts. However, it is also necessary to consider what are the causes, why the conflict could arise, the intentions and considerations behind the parties involved, the method to be used to resolve the existing conflict, considering the outcome of the conflict. have handled the conflict and what kind of relationship was formed after the conflict resolution efforts were carried out. Although the role of the kyai in resolving conflicts with the concept of pesantren culture is more dominant, it is also necessary to provide solutions to the offered options so that they can be accepted by the conflicting parties. The concept of conflict resolution with the pesantren culture is a concept outside the structural mechanism of organizational management.

The fifth stage, the result of dispute resolution. It needs to be shared knowledge that often the efforts made to try to resolve disputes do not always run as they should according to the desired view. However, the dispute resolution option with the pesantren culture is only a method to solve the existing problems. The results are again left to the two opposing camps. Choose to improve and then manage together or stick to their respective positions based on the narrative 'who has more right to lead the Brebes district PCNU'. And no less important is the attitude and decision of PBNU regarding the internal conflict.

The settlement of disputes with the pesantren culture as mentioned in the discussion above, places the position of the kyai as the central figure in resolving internal conflicts or disputes within the pesantren. This should also be something that can be done to resolve conflicts or disputes that exist in the management of the PCNU of Brebes Regency. The role of a kyai is not only as a teacher for his students. But more than that, a kyai has a role as a community leader, caretaker of a boarding school and at the same time as a cleric.

The role of a kyai is very important if he can carry out his duties according to the norms that have been applied and are firmly held by the pesantren community. Although there are actually no standard rules that apply to a kyai to be able to resolve conflicts and disputes that occur, he must still be able to stick to the unwritten norms and rules that have been firmly adhered to so far. The result of the decision can be submitted to the mediator team, or it can be left to the figure of a kyai who has high charisma and is respected. Later, if the fatwa or decision of a kyai has been declared, then both the disputing or conflicting parties and the mediator team must comply. The point is that the kyai occupies the position of uswah or supreme judge. What is the result of the decision, must be accepted by all parties, especially the conflicting parties.

3.4. Settlement with the Concept of the Role of the Regional Head

The dualism in the management of the PCNU in Brebes Regency is actually not a secret. This means that almost everyone who resides and lives in Brebes Regency, is actually aware of the internal conflict that occurred in the Brebes PCNU. It's just that they don't seem to want to know what's going on, thus making internal polemics even more difficult to straighten out. This is not blaming anyone, but at the very least, this is a shared responsibility, including the Brebes Regency Government which acts as the holder of regional power they lead.

Nahdlatul Ulama as a large organization, of course, goes hand in hand with the government, from the central level (Pengurus Besar) to the branch level in the village. So naturally, when there is an internal conflict within NU at every level that cannot be resolved internally, the government must be present as a mediator, wasilah and a bridge for conflict resolution.

This, of course, is not an exaggeration, in fact it is something that is mandated by law. The aim is none other than, in order to maintain order and harmony in the life of the nation and state. There are 2 (two) important points mandated by Article 57 of Law No. 16 of 2017 concerning Stipulation of Government Regulations in Lieu of Law Number 2 of 2017 concerning Amendments to Law Number 17 of 2013 concerning Social Organizations :

Article 57

- (1) In the event of an internal Ormas dispute, the Ormas has the authority to resolve the dispute through the mechanism regulated in the AD and ART.
- (2) If the dispute resolution as referred to in paragraph (1) is not reached, the government may facilitate mediation at the request of the disputing parties.
- (3) Further provisions regarding the procedure for mediation as referred to in paragraph (2) shall be regulated in a Government Regulation.

Article 58

- (4) In the event that the mediation as referred to in Article 57 paragraph (2) is not reached, the Ormas dispute settlement can be reached through a district court.
- (5) The decision of the district court can only be filed with a cassation.
- (6) Ormas disputes as referred to in paragraph (1) must be decided by the district court within a maximum period of 90 (ninety) days from the date the case application is recorded in the district court. The decision of the district court as referred to in paragraph (3) is filed for cassation, the Supreme Court must decide within a maximum period of 60 (sixty) days from the date the cassation request is recorded by the clerk of the Supreme Court.

There are 3 (three) important things, as contained in the two articles above, to deal with internal organizational conflicts. First, CSOs that are in conflict are welcome to independently resolve the conflict in accordance with the rules that apply within their internal organization. Second, if the internal conflict cannot be resolved, then the local government can facilitate mediation between the two disputing parties. But with a note, at the request of the parties to the conflict/dispute. Third, if the mediation facilitated by the local government has not been able to reach a point of agreement, then the dispute over the mass organizations can be pursued through the district court.

However, if viewed from the provisions of the article, it appears that local governments do not have the authority independently to be able to resolve disputes that occur in the internal bodies of organizations in their regions. Local governments can help resolve internal CSO disputes only if not requested by the disputing parties. It is only limited to being a party that facilitates mediation between the disputing parties. This means that the local government's authority over mass organizations conflicts that occur in its territory is passive. The government is only present when

requested, if there is no request from the parties to the conflict, then the government cannot take steps that can accelerate the resolution of the conflict.

But basically, if you look at the values of propriety and moral responsibility, as a person who has authority in an area, without having to be asked, the regional head should be present as a form of moral responsibility by remaining a neutral party, promoting the values of justice and upholding the values of justice. high peace.

If even then the local government has not been able to unite the two opposing camps, then the step that needs to be taken by the regional government is to propose to PBNU to take firm action to the NU management at the branch level. For example, if there is a dispute between the NU management in Brebes Regency, PBNU can withdraw the application of the decree that has been given to KH. Nasrudi (later replaced by PJs Drs. Samsul Ma'arif) and formed a Carataker to return to the tasks of the Brebes Regency PCNU Conference, as in the case of the Surabaya City PCNU.

Settlement with Court Concept

The general court is one of the actors of judicial power within the General Court for the people seeking justice, which is carried out by the District Court and the High Court. Based on the General Court law, the District Court has the duty and authority to examine, decide, and settle criminal cases and civil cases at the first level. In Article 57 and Article 58 of the Law on Community Organizations, that if a community organization experiences an internal dispute or conflict, then the authority to be able to resolve the internal dispute is handed over to the mass organization according to the applicable rules. If later no agreement is found, then the government can act to facilitate mediation between the two warring parties at the request of the disputing parties. After that, if the dispute has not yet been resolved, then the dispute is further transferred to the court. Settlement with the concept of court is actually the last option of the existing alternative solutions. This indicates that there are no more ways outside the court's decision that can provide a solution, so the last way is to bring it to the court.

The PCNU of Brebes Regency as part of a large organization that is a legal entity must have legal clarity. Groups or parties who intentionally or not, use the name of the PCNU organization in each of their organizational activities can be categorized as parties who violate the law. Therefore, the parties who feel aggrieved by this matter, should take legal steps, at least sending a subpoena and the last option is to take it in court. This is important to do to maintain the existence and dignity of Nahdlatul Ulama.

In the case of the PCNU internal dispute in Brebes Regency, the two parties to the dispute are; KH. Muhammad Aqso as the party who has the legality of the decision of the branch conference and KH. Nasrudin as the party that has the legality of the Decree (SK) from PBNU, each of them must be able to show their legality. This should also make both parties feel that their existence has been disturbed, so it is necessary to take legal steps. If then the legal steps cannot be taken, it is certain that the dispute will not find a solution. The impact of the ambiguity of the resolution of the dualism of the leadership of the PCNU Brebes is:

- 1) If this dualism continues, then to be able to hold the next conference, which party PCNU management can be appointed as the executor
- 2) If this managerial dualism continues, each PCNU management camp will have a base of sympathizers in each MWCNU in each sub-district. Thus, leadership disputes may also spread to the management under them.

Therefore, in the author's opinion, if the legal dispute over the leadership of PCNU Brebes cannot be resolved by non-litigation, then the most appropriate way is to withdraw the problem through litigation which has binding legal provisions and certainty.

4. Conclusion

1. The dualism of the management of the PCNU in Brebes Regency is the result of a dispute or conflict that occurs due to the lack of coordination between the NU Executive Board and the NU Regional Board. This can be seen from how PBNU hastily conducted re-election through the KLB at the PBNU office. It is clear that this is a form of poor coordination between PBNU and PWNU Central Java. Therefore, in the future, the line of coordination between PBNU and PWNU Central Java must be improved so as not to cause polemic disputes as happened in the management of PCNU in Brebes Regency.
2. PBNU must have a standardized dispute resolution format organizationally to anticipate unwanted events, especially regarding disputes over NU leadership at each level. if non-litigation alternative measures cannot result in a decision. So the last option is to settle the dispute through litigation or court.

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