

ABSTRACT

Basically, freedom to associate and to assemble is a basic right in a democratic rule-of-law state, in which sovereignty is vested in the people. In Indonesia, the right is guaranteed in the 1945 Constitution and in international level, it is protected by the Universal Declaration of Human Rights, Covenant on Civil and Political Rights, and International Commission of Jurists.

People diversity may bring about various types of interests. Each group fights to make its interests prevail over other interests and this will cause every group to gain a dominant role in influencing political process. The act of influencing political process is called political participation. The effective way to dominate political process would be to associate and to assemble in the form of political party.

Freedom to associate and to assemble is a realization of philosophical thoughts teaching that, basically, human beings have has a basic right of being unbound. Based upon these philosophical thoughts, political parties are founded whose existence in Indonesia is prescribed in articles 28 and 28 E paragraph 3 of the 1945 Constitution.

Key words :

- Freedom to associate and to assemble
- Basic right in democratic rule-of-law state
- People Sovereignty