

RESEARCH ARTICLE

# Principles, Processes and Practices in Legal Management of Organizations

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## Abstract

Human activities cannot be separated from legal issues. All human relationships are attached to legal risk. Therefore legal management is an important approach in managing organizations. Not only in profit-oriented businesses but also in other spheres such as social, which may include religious, charity, environment, and other kinds of foundations to manage legal risks that may arise. In practice, legal management encompasses a variety of principles, processes, and practices. These principles include an understanding of applicable legal rules and compliance with them. The legal management process involves the identification of legal risks, management of legal documents, and appropriate legal consultation. Meanwhile, legal management practice involves legal ownership activities, handling of legal issues, and preventive approaches to managing legal risk. In conducting legal management, collaboration between internal and external legal departments as well as support from organizational stakeholders is essential. In addition, legal awareness and legal-related training are also needed to enhance understanding and sensitivity to the relevant legal aspects within the organization. By applying the principles, processes, and practices of legal management properly, organizations can reduce legal risks that may harm them, and carry out their operations effectively with due regard to applicable legal aspects.

**Keywords:** Management, Law, Principle, Process, Practice, Legal Risk.

## 1. Introduction

Management of law is a strategic approach to managing legal aspects within an organization and ensuring compliance with applicable regulations (Buxbaum, H. L. 2007). In an organization, the law covers all aspects related to organizational regulations and governance, such as constitution, organizational structure rules, and organizational order (Eisenberg, M. A. 2017). Moreover, the law in an organization also covers the obligations and rights of each member of the organization, as well as the legal consequences if the rules of an organization are violated. In this case, there are laws and regulations governing organizations in Indonesia such as the Law No.40 of 2007 regarding Corporations, Law No.16 of 2001 as amended by Law No.28 of 2004 regarding Foundation; Law No.25 of

1992 on Cooperation, and Law No. 17 of 2013 on Society Organizations. Those laws aim to regulate the formation and activities of business as well as social organizations within Indonesia. (Haw et al., 2004).

Corporations are the most popular business organizations in Indonesia that stand as legal entities. They created limited liability to the founder as shareholders, as well as to the members of the Board of Directors and Board of Commissioners while doing business in and outside Indonesia. Established based on mutual agreement of two or more legal subjects, it can conduct almost all business activities subject to the licenses it needs to obtain (Widjaja, 2008). Besides corporations, there are also partnerships with no legal entity status that may operate and do business in Indonesia (Widjaja, 2004).

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Foundations are another legal entity that exists under Indonesian law. Different from corporations, foundations cannot run business. It can only operate as a social, religious, and humanities organization (Widjaja, 2002).

Society organizations in Indonesia, are commonly known as “social organizations” or “ormas”. These organizations are different from foundations as legal entities that have social activities. These ormas as organizations are established and formed through the voluntary participation of the public based on shared aspirations, needs, interests, and activities, and aim to bring the desired improvement to social health, well-being, education, and the overall functioning of the community. (Nugroho, E. 2013).

Religious organizations are organizations based on religious principles and serve the various religious communities in the country. Examples include Islamic organizations such as Nahdlatul Ulama (NU) and Muhammadiyah, Christian organizations like the Movement of Christian Students of Indonesia (GMKI), and Hindu organizations, such as Parisada Hindu Dharma Indonesia (PHDI). They may take the forms of foundations or associations (*perkumpulan*) as legal entities.

Cultural and Traditional Organizations are other organizations that focus on preserving and promoting the cultural heritage, traditional practices, and customs of certain communities. For example, include organizations like The Kalimantan Dayak Aditya Institution (LADK), Paguyuban Sunda Wiwitan Indonesia, and Sanggar Kesenian Bali. These cultural and traditional organizations can take the form of foundations.

Youth Organizations are organizations that aim to involve and empower young people, giving them opportunities for personal development, leadership, and social involvement. As well as religious organizations, youth organizations are established as foundations or associations.

Consumer Associations are organizations that fight for the rights and interests of consumers in various sectors, dealing with issues related to consumer protection, product quality, and fair trade. (Santoso, C. W. B., & Harefa, H. 2015; Faiz, A., & Masyhudi, F. 2023). They are legal entities in the form of foundations.

There are also Educational Organizations and Hospital Organizations that were established in the forms of corporations or foundations. These organizations, when it was established in the form of corporations,

were usually privately owned with profit-oriented. When they were established in the form of foundations, they as social entities that promoted education and health for people.

Besides, there are also organizations established by the governments. State Government and Local Government can establish and own their organizations. The forms may be varied based on the function of the organizations in the society as organized by the governments.

The functions of some or maybe all of those organizations can contribute to the development and improvement of society, among others;

1. Empowerment of the Community: Social organizations play a role in mobilizing, involving, and empowering the community to participate actively in social, economic, cultural, and political activities. They provide training, education, and self-development opportunities to community members so that they can be active actors in development and positive change.

2. Advocacy and Service: Society organizations are often the voice of the public in advocating the interests and problems faced by a particular group or community. They advocate at the level of public policy, expressing the rights, needs, and aspirations of the people to the government and the related institutions. In addition, social organizations also provide a wide range of public services, such as health services, education, and social assistance to communities in need.

3. Cultural and Heritage Preservation: Social organizations that focus on culture and heritage are tasked with preserving, promoting, and protecting local cultural wealth, customs, and traditions. They carry out activities such as traditional art and craft training, cultural performances, as well as cultural heritage preservation and documentation activities.

4. Social Welfare: Social organizations play a role in improving the social well-being of communities. They conduct economic empowerment programs such as skills training, cooperative formation, and corporate capital provision. Moreover, social organizations often provide social assistance to people in need, such as food provision, health assistance, and disaster relief.

5. Education and Research: Several social organizations specialize in education and research. They strive to improve access to education for

disadvantaged communities, provide scholarships, and support educational programs. In addition, these organizations also conduct research related to social development, social issues, and others to provide solutions and relevant policy recommendations. (Santoso, C. W. B., & Harefa, H. 2015; Budiman, S. A., & Setyahadi, M. M. 2019).

These functions demonstrate the important contribution and role played by social organizations in improving social conditions, as well as strengthening public participation and involvement in the development of the country, including in terms of its legal management. However, legal management is not just about social organization but in a broader scope, for example, an organization within a company.

Legal management in a corporate organization is to ensure that the organization complies with applicable legal regulations and anticipates possible legal risks so that their negative impact can be avoided or minimized. Coverage of corporate legal management such as contract creation, intellectual property rights protection, compliance with business licensing requirements, and handling of legal disputes (Eisenberg, M. A. 2017).

Meanwhile, in the business world, legal aspects cover everything from company formation, corporate rights, and obligations, to dispute settlement. Corporate organizations must understand the complex legal coverage as business develops in an era of competitive globalization. In addition, organizational fairness is also an important aspect associated with resource allocation and employee well-being. Understanding the legal aspects applicable in organizations helps in the prevention of law breaches and handling problems properly in accordance with applicable regulations. Thus, organizations need to implement effective legal management practices to optimize their business performance and sustainability (Laptev, V. A. 2021). Organizational legal management refers to practices and strategies for managing legal risk and ensuring compliance with the regulations in force within the organization. Legal management helps organizations to cope with various changes in the legal and dynamic business environment so that they can optimize the performance and viability of their business. (Laptev, V. A. 2021).

In an organization, many decisions and activities have legal implications that can affect the performance, reputation, and sustainability of the organization.

Therefore, it is important to manage the legal aspects properly in order to minimize legal risks and ensure compliance with applicable regulations.

So with that, legal management needs to apply principles, processes, and practices. The main principles in organizational legal management consist of ensuring compliance with applicable legal rules, identifying and managing legal risks, and Managing disputes. The legal management process within an organization covers several stages, among others; Identification of legal risk, Legal risk assessment, and Implementation of preventive measures. (Edwards, L. H. 2018).

In legal management practice, management must be effective in helping organizations cope with changing legal and dynamic business environments. Effective legal management practice consists of;

- 1) Having an effective legal management team: An organization must have a legal management group consisting of experienced and trained legal professionals.
- 2) Develop clear policies and procedures: Organizations must have policies and processes to ensure compliance with regulations and to manage legal risks.
- 3) Create a culture of compliance: Organisations must create a culture of compliance throughout the organization by building awareness and providing training and education related to law and ethics. (Durako, J. A. 2000; Brock et al., 2012).

Therefore, in dealing with legal issues, organizations need to apply appropriate principles, understand the legal processes involved, and have effective practices. However, the ever-expanding complexity of legal regulation and the diverse organizational needs make legal management a challenging task. Therefore, research on legal management: principles, processes, and practices are relevant to provide a better understanding of managing legal aspects within an organization.

## 2. Research Method

The research carried out is literature. The literature research method is a research approach used to gather and analyze various sources of writing relevant to the research subject under investigation. (Reay, 2014; Graue, 2015). This method can be done by looking for references from various reliable sources such as scientific journals, books, and theses. One of the first

steps in the method of literary research is to search for relevant keywords in catalogs, and indexes, or use an online search engine to identify literature that matches the research subject. (Sgier, 2012; Huberman, 1992; Noble & Smith, 2014).

These research methods enable researchers to reconstruct information obtained from relevant literature, as well as help in strengthening the arguments and findings in the research. In addition, through this method, researchers can gain a deeper understanding of the research topic and the theoretical context that supports it. (Grbich, 2012; Bazeley, 2013).

Therefore, in implementing literary research methods, it is important to understand both characteristics, stages, and data collection techniques that correspond to the research topic being studied. Literature study research can be used as a strong theoretical foundation in formulating the conceptual framework of research and identifying gaps in knowledge that can be bridged through research carried out.

### 3. Result and Discussion

#### 3.1 Definition and Concept of Legal Management

Concepts are the basic ideas or principles that form the understanding of a particular topic or subject. A concept is used to describe or explain a particular thing and helps in understanding the relationship between the related elements. (Cline, K. D. 2000). In the context of management, concepts such as planning, organization, guidance, and control are used to understand the basic principles of managing an organization. Concepts can also be applied in a variety of other fields, such as social sciences, science, and philosophy. (Zur Muehlen, M. 2004).

Management is the process of planning, organizing, guiding, and controlling the activities of an organization to a set goal. Management is useful to optimize the use of the organization's resources, such as human resources, financial resources, technological resources, and other resources, as well as to help ensure that the organization performs well and achieves its objectives. In management, there are several functions such as planning, organization, guidance, and control, and human resources management, finance, and production. (Robbins et al., 2017)

A law is a set of rules established by a government or authority in a country or society to regulate the behavior and relations between individuals, groups, or institutions in a society. Law can cover a wide

range of aspects of life, from criminal law, civil law, government law, and international law, to business law, corporate law, and intellectual property law. Law also serves as the basis for the enforcement of rules and dispute settlement between the parties to a dispute. (Haw et al., 2004).

The concept of legal management refers to the application of management principles in the context of a legal organization. It involves the use of management discipline to improve the efficiency and operational efficiency of legal organizations, be it legal firms, government agencies, NGOs, or legal education institutions. (Ruhl, J. B., & Katz, D. M. 2015).

Legal management aims to improve the effectiveness of legal organizations. Legal management concepts include planning, organization, guidance, and control, as well as involving management of human resources, finance, information technology, and legal risk. (Christensen et al., 2011).

Planning is the process of setting the goals, strategies, and actions necessary to the goals of a legal organization by considering the relevant legal aspects. The following are some things to consider in legal management planning:

1. Legal Organization Objectives: Establish the short-term and long-term objectives that a legal organization wants to, such as providing quality legal services, enhancing the reputation of an organization, or achieving business growth.
2. Legal Analysis: Identify the legal aspects to be taken into account in planning, like regulations, legal policies, and compliance with the law.
3. Resources: Determine the available resources, like labor, budget, and technology related to the implementation of the legal plan.
4. Legal Strategy: Develop appropriate legal strategies for the organization's goals, like the preventive use of law, dispute resolution, or legal risk management.
5. Action Plan: Determining the concrete steps that should be taken to establish a legal strategy, including the allocation of resources, timing of execution, and responsibilities of legal teams.
6. Measuring and Assessing Progress: Making performance indicators to measure progress in the achievement of legal objectives and evaluation of income planning on a regular basis. (Thomas, L., & Middleton, J. 2003).



Good legal management planning helps legal organizations to have a long-term vision, anticipate legal risks, optimize resource utilization, and ensure compliance with applicable legal regulations.

Organization refers to the process of setting the legal organization structure, assignment of tasks, formation of working teams, and the placement of resources to the goals of the organization effectively. Here are some aspects that need to be considered in the organization of legal management:

1. **Organizational Structure:** Determining how a unit or department within a legal organization is organized. This can include division by geographical area, legal function (litigation, corporate law, criminal law, etc.), or type of client (business, government, person, or others).
2. **Task Assignment:** Determining the duties and responsibilities of each member of the legal team. This includes the division of work, the definition of roles and responsibilities, and the setting up of efficient workflows.
3. **Team Building:** Building effective teams by implementing team management principles, such as division of work, cooperation, effective communication, and achievement of common goals.
4. **Resource Placement:** Placing the human, financial, technological, and physical resources necessary to support the operational operation of the legal team. This involves budget allocation, planning of SDM needs, as well as acquisition and management of legal information technology.
5. **Skills and Competenceis:** Ensure that members of the legal team have the skills, knowledge, and competencies appropriate to their duties. This may include training, career development, and the use of relevant performance assessment criteria. (Nugroho et al., 2018).

Effective organization in legal management helps improve collaboration, coordination, and efficiency within the legal team so that it can the goals of the organization effectively and better face legal challenges.

Direction or control refers to the process of overseeing and controlling the activities of the legal team in achieving the goals of the organization effectively. Here are some things to consider in the leadership of legal management:

1. **Performance Oversight:** Ensure that the members of the legal team work in accordance with the

expectations and directions of the management, and the performance targets that have been set. It often involves working time management, project monitoring, and evaluation of individual and team performance.

2. **Budget Control:** Create and oversee the budget of the legal team to ensure that the finances are appropriate and must be in line with the business or organization's priorities. This includes oversight of staff expenditure, operational costs, loan management, and asset management.
3. **Information Security:** Maintaining the availability, integrity, and confidentiality of legal information held and accessed by the legal team. This can involve information security training, implementation of security policies, and use of appropriate information security technology.
4. **Risk and Non-Compliance Management:** Ensure that the legal team is aware of and manages the risks and violations that may arise in their work. This involves defining policies and procedures, training, and the use of effective risk management systems.
5. **Compliance with the Law:** Ensure that the legal organization complies with all applicable laws, regulations, and policies. This may include monitoring legal changes, as well as developing appropriate policies and procedures. (Yeoh, P. 2007; Eisenberg, M. A. 2017).

Effective legal management guidance helps legal organizations optimize the performance of the legal team, minimizing legal risks, and improving legal compliance, thus creating security, order, and smoothness in the legal organization (Eisenberg, M. A. 2017).

In legal management, control or supervision is the process used to ensure that the activities of the legal team are organized and conducted effectively, efficiently, and in accordance with the purposes of a legal organization. The following are some aspects to be considered in legal management controls:

1. **Performance Oversight:** Ensure that the members of the legal team work in accordance with the expectations and directions of the management and the established performance targets. Legal performance oversight also involves evaluation of individual and team performance, as well as working time management and project monitoring.
2. **Budget Control:** Monitor and plan the budget of the legal organization to ensure that the finances are in

line with the priorities of the business or organization. This includes oversight of staff expenditures, operating expenses, loan management, and asset management.

3. Information Security: Implement information security and keep it confidential. This involves information security training, implementation of security policies, and the use of appropriate information security technology. Such, as to keep legal organization information such as contract documents, audit or financial reports, and client personal information from unauthorized access.

4. Risk and Non-Compliance Management: Manages the risks and violations that may arise in the work of the legal team within the legal organization. It involves defining policies and procedures for risk management, training, and the use of effective risk management systems.

5. Compliance with the law: Ensure that the legal organization complies with all applicable laws, regulations, and policies. This includes the establishment of appropriate policies and procedures, including the monitoring of legal changes, as well as the development of suitable policies and processes. (Haw et al., 2004).

Effective legal management controls help legal organizations optimize the performance of the legal team, minimize legal risks, and improve legal compliance, thus creating security, order, and smoothness in the legal organization. (Wysocki, P. D. 2004).

Of the few on the scope of legal management in terms of planning, organization, direction, and control, has been well organized and implemented according to procedures then the next step is to optimize human resource management, finance, information technology, and legal risk. Good Human Resource Management (HRM) involves the management of aspects related to the labor force in the legal team, including remuneration, recruitment, training, performance assessment, and career development. (da Silva et al., 2022).

Financial management relates to the management and control of the financial aspects of a legal organization, including budget planning, spending supervision, cash management, financial reporting, and financial risk management. Good financial management helps legal organizations maintain financial stability and financial goals. (Paramasivan, C. 2009).

Information Technology Management (IT), the effective

application of information technology is essential to legal management. It involves the management and use of IT systems, information security, data analysis, and the integration of technology into legal teamwork processes. Good IT management helps improve the efficiency and productivity of the legal team as well as protecting organizational sensitive information. (Karimi et al., 2001).

Legal risk management is the process of identifying, assessing, and managing the risks that may arise in the legal activities of an organization. This includes the identification and understanding of legal risk, the development of policies and procedures to manage risk, as well as risk prevention and mitigation measures. Effective legal risk management helps protect organizations from legal claims, lawsuits, or other violations of the law (Francis, J. R., & Krishnan, J. 2002).

In legal management, these three aspects must be considered in an integrated way so that the legal team can operate effectively and efficiently, while minimizing legal risks and achieving organizational goals. These legal management concepts aim to optimize the performance of legal organizations, improve operational efficiency, and ensure compliance with applicable law.

### 3.2 Principles of Legal Management

Principles in legal management can help legal organizations in carrying out their duties and responsibilities effectively. The following are some of the key principles in legal management:

1. Compliance: The compliance principle refers to the importance of a legal organization to comply with all applicable regulations, regulations, and laws.

2. Transparency: Legal organizations must practice transparency in all aspects of their operations. This means providing adequate access to relevant information to employees, clients, and the general public. By applying the principle of transparency, legal organizations can build trust with stakeholders and preserve their reputations.

3. Risk Management: The principle of risk management refers to the importance of identifying, evaluating, and managing legal risks that may occur in the organization's activities. It involves the implementation of policies, procedures, and practices designed to mitigate risk and minimize possible consequences. These principles help organizations in protecting themselves from harmful legal risks.

4. Efficiency and Effectiveness: Legal organizations must strive for efficiency and effectiveness in the performance of their duties and responsibilities. These principles involve the prudent management of resources, the appropriate use of technology, and the establishment of efficient working processes. By applying these principles, legal organizations can increase productivity and provide quality legal services.

5. Sustainable Learning and Improvement: Legal organizations must foster a culture of sustainable learning and improvement. This principle involves a continuous evaluation of the processes, performance, and outcomes of the legal team. By conducting this evaluation, organizations can identify areas that need to be improved and implement improvements necessary to better performance sustainably. (Eichhorn, P., & Towers, I. 2018; Norrman, A., & Henkow, O. 2014).

Applying these principles in legal management will help organizations perform their duties and responsibilities effectively, minimize risk, comply with legal regulations, and add value to clients and other stakeholders.

### 3.3 Legal Management Process

Legal management processes are a series of activities aimed at managing legal documents and information effectively to reduce legal risks that may arise from the inability to deal with legal issues. Legal Management System (LMS) can be a solution for legal departments or companies to improve efficiency and reduce legal risk. (Eisenberg, M. A. 2017). Although the challenges in implementing a legal management system exist, the long-term benefits can help organizations their goals. However, the legal management process involves a series of actions designed to assist legal organizations in achieving their goals effectively and efficiently.

The following are some of the major stages that are typically involved in the legal management process:

1. Planning: The planning stage involves formulating the vision and objectives of the legal organization, as well as identifying the challenges and opportunities that exist in the surrounding environment. In this phase, a detailed strategic plan is also developed to the long-term and short-term goals of the organization, including planning the use of resources such as labour, budgets, and information technology.

2. Implementation: The implementation phase involves the implementation of strategic and tactical plans that have been made in the planning phase. This

process includes managing the workforce, financing, technology, and other resources for carrying out legal activities in a legal organization. The execution phase should include the application of legal risk management policies and procedures, as well as implementing training and development programmes to enhance legal workforce skills and capabilities. Monitoring and monitoring of progress can be done by conducting evaluation evaluations on a regular basis.

3. Improvement: This phase involves improvement actions that need to be taken after the evaluation process is completed. Based on the results of the assessment, the legal organization can determine the improvement measures to be implemented, both in terms of processes, management systems, and the workforce. These actions must be implemented so that the legal management process can be continuously improved and continually search for new innovations that are effective in achieving the goals set. (Buxbaum, H. L. 2007; Vorotin et al., 2018).

In the process of effective legal management, organizations must always strive to maintain a balanced use of resources and provide high-quality legal services effectively and efficiently. By involving all stages of legal management, legal organizations can continue to develop and strengthen their ability to respond to legal challenges in an ever-changing environment.

### 3.4 Legal Management Practices in Organizations

Legal management practices within an organization involve a variety of activities to manage legal aspects related to the operations and activities of the organization. Some common legal management practices carried out within the organization include:

1. Compliance with the law: The organization must ensure that its activities and operations conform to the regulations of applicable law. This involves understanding the applicable legal regulations and ensuring that the organization complies with all of them.

2. Handling of Legal Documents: Legal management also involves managing legal documents related to the organization. This includes the storage, maintenance, and archiving of legal documents so that they can be easily accessed and used if necessary.

3. Legal Risk Management: organizations need to identify and evaluate legal risks that may affect their operations and activities. With a good understanding



of these risks, organizations can take steps to manage them effectively and reduce the likelihood of legal problems.

4. **Legal Consultation:** In situations that require more complex legal handling, organizations need to consult with lawyers or related law firms. Legal consultation can help organizations make decisions that can reduce legal risk and ensure their activities are in accordance with applicable regulations.

5. **Training and Education:** The organization also needs to ensure that its stakeholders have sufficient understanding and knowledge related to legal aspects relevant to the organization's activities. Training and education related to the law can help improve understanding and awareness of the law within the organization. (Hunter et al., 2002; Armstrong, M., & Taylor, S. 2020).

These legal management practices aim to ensure that organizations can operate with due regard for legal aspects and manage legal risks properly.

#### 4. Conclusion

From some references to legal management: principles, processes, and practices, the following can be concluded:

Legal management is an important approach in an organization to manage legal risks that may arise. By applying the principles of legal management, organizations can minimize the chances of legal problems that may harm them.

Legal management processes include measures such as identification of legal risk, compliance with regulations, management of legal documents, and legal consultation. In this process, organizations need to understand and implement appropriate measures to manage risk and ensure legal compliance.

Legal management practices within organizations involve activities such as ownership of law, monitoring, and handling of legal issues, and preventive approaches to managing legal risk. These practices aim to ensure that organizations can operate from a legal perspective and avoid or reduce the possibility of legal problem occurrence.

Legal management should involve collaboration between internal and external legal departments, as well as obtaining support from stakeholders in the interests of the organization. Good legal awareness and legal-related training are also important to help increase understanding and sensitivity to the relevant legal aspects within the organization.

By applying legal management principles, processes, and practices properly, organizations can reduce legal risks that may harm them and optimize operations in accordance with applicable regulations.

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