



## THE STATE DEFENSE LEGAL POLITICS: NATIONAL PROTECTION BASED ON PANCASILA JUSTICE

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### ABSTRACT

Indonesia's national defense legal policy must be built adaptively and based on Pancasila and the 1945 Constitution, by integrating military and non-military defense through a participatory, layered defense strategy. The purpose of this study is to analyze national defense regulations within the concept of the unitary state of the Republic of Indonesia and analyze national defense legal policy based on Pancasila justice. This research is based on Normative Law research. A Pancasila-based national defense legal policy emphasizes moral, humanitarian, and democratic values in building an inclusive, participatory, and adaptive defense system, while adopting strategic elements from global practices to enhance Indonesia's sovereignty and resilience amid evolving global threats. The novelty of this approach lies in integrating Pancasila's ethical and philosophical values as the foundational framework for national defense policy, shifting the focus from purely militaristic strategies to a holistic, people-centered security model. Additionally, it introduces an innovative blend of global best practices such as China's technological integration, Scandinavia's participatory governance, and Japan's diplomatic defense stance while maintaining Indonesia's unique identity rooted in social justice and sovereignty.

## 1. Introduction

A state is a people who are governed by law within a certain territorial boundary.<sup>1</sup> Meanwhile, from the perspective of the nature of the state, the state is a container for a nation created by the state to establish territorial

<sup>1</sup> Ahmad Syahir et al., Ketaatan Terhadap Hukum (Sebuah Perspektif Filsafat Hukum), *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory*, Vol.1 No.4, December 20, 2023. page. 930–44

boundaries in achieving the ideals or goals of the nation. The philosophical statement contained in the preamble to the 1945 Constitution, namely maintaining sovereignty, protecting all the people and their homeland, educating the nation's life, improving general welfare, and participating in world peace, has not been used as a benchmark in the sectoral laws that regulate security today, which have weaknesses.<sup>2</sup>

Indonesia, with its cultural diversity, abundant natural resources, and position as one of the world's largest archipelagic nations, has the potential to become a superpower. To realize the grand vision of Golden Indonesia 2045, one of the key objectives is to have a strong defense system to face increasingly complex global challenges. In the era of globalization, challenges such as geopolitical dynamics, climate change, global health crises, and economic uncertainty are key factors influencing a country's stability and security.<sup>3</sup>

Law No. 3 of 2002 has focused on the development of national defense. National defense, also called national defense, is an effort to safeguard state sovereignty, territorial integrity, and national security from threats and disruptions to the integrity of the nation and state.<sup>4</sup> Achieving legal objectives will lead to or lead to the achievement of state objectives. As a means of achieving state objectives, legal objectives must first be achieved so that state objectives can be properly realized.<sup>5</sup> Therefore, the national defense strategy that can guarantee the formation of the Unitary State of the Republic of Indonesia (NKRI), as well as to respond to future national defense challenges, is the implementation of a Universal Defense System in the form of a Layered Defense Strategy that combines military defense layers with non-military defense layers. The Layered Defense Strategy, which combines military defense layers and non-military defense layers, is a manifestation of the participation of all Indonesian citizens in national defense efforts by utilizing all national resources to the maximum. The role of legal politics in the national defense system in Indonesia is very clear in realizing state sovereignty.<sup>6</sup>

In the ever-changing and dynamic geopolitical context, national defense policy has become a major focus for many countries around the world.<sup>7</sup> National defense policy plays a crucial role in maintaining a nation's sovereignty, security, and stability, as well as protecting its national interests from various

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2 Rasona Sunara Akbar et al., Urgensi Bela Negara Untuk Meningkatkan Jiwa Nasionalisme Dan Peranannya Dalam Intergrasi Nasional, *Journal on Education*, Vol.6 No.4, May 17, 2024

3 Ahmad Fanani et al., Tantangan Pertahanan Nasional Menuju Indonesia Emas 2045, *TheJournalish: Social and Government*, Vol.5 No.4, December 27, 2024

4 Rasona Sunara Akbar et al., Memperkuat Ketahanan Nasional: Aktualisasi Bela Negara Melalui Literasi Digital, *Journal Pendidikan Ilmu Pengetahuan Sosial*, Vol.16 No.2, December 10, 2024

5 Dwi Septiani, Askana Fikriana, and Bengkalis Riau., Peran Politik Hukum Dalam Pembaharuan Hukum Tata Negara Untuk Melaksanakan Tujuan Negara Indonesia, *Al-Zayn: Jurnal Ilmu Sosial & Hukum*, Vol.1 No.1, June 30, 2023

6 Asih Wastuti, Dan Sunny, and Ummul Firdaus., Reformasi Pemerintahan Dan Peran Politik Hukum Dalam Membentuk Kebijakan Publik, *Sovereignty*, Vol.2 No.4, December 30, 2023

7 Hery Kuswanto et al., Peran Dan Kebijakan Industri Pertahanan Di Indonesia: Sebuah Studi Observatif, *JIIIP - Jurnal Ilmiah Ilmu Pendidikan*, Vol.5 No.9, September 1, 2022

threats, both internal and external. Since its independence, Indonesia has faced numerous challenges in maintaining its sovereignty and security, ranging from external threats to complex internal issues such as separatism, terrorism, and inter-ethnic conflict. These dynamics are further complicated by ongoing political, economic, and social changes at the regional and global levels. Therefore, a thorough understanding of national defense policy is crucial for Indonesia to maintain its stability amidst this complexity.<sup>8</sup>

Since the Indonesian nation was visited by colonizers, the spirit of defending the nation to maintain the unity of the territory has existed within the Indonesian nation until it achieved independence.<sup>9</sup> Over time, the Indonesian government has faced a variety of threats, disruptions, obstacles, and challenges, both military and non-military, making it crucial to establish a national defense public policy that will serve as a guideline and provision for the nation in the future. This national defense policy is implemented to manage all national resources, facilities, and infrastructure to achieve national defense objectives in order to support national development and protect the entire nation from all forms of threats and disruption. Formulating appropriate and adaptive policies and strategies in the implementation of national defense is an absolute requirement for realizing the independence of national defense and security. Of course, this cannot be separated from Pancasila and the 1945 Constitution as the foundation for the management and implementation of national defense, from the first president's leadership to the present.

Indonesia's national defense legal policy is currently evolving in response to increasingly complex and dynamic global and regional strategic environments. Geopolitical competition in the Indo-Pacific region, increasing non-military threats such as cybercrime, transnational terrorism, and maritime conflicts in border areas, have prompted Indonesia to reorient its legal policy in the defense sector. This situation demands the formation of a legal policy that is adaptive and anticipatory to various potential threats, both conventional and non-conventional, to ensure state sovereignty, territorial integrity, and national security.<sup>10</sup>

Normatively, the direction of national defense legal policy is based on the constitution,<sup>11</sup> specifically Article 27 paragraph (3) and Article 30 of the 1945 Constitution, which mandates that national defense is the right and obligation of every citizen, and that national defense and security are implemented

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8 Yanto. S Manurung, Herlina Saragih, and Aris Sarjito., Martabat Bangsa Dan Negara Di Atas Segala-Galanya: Tinjauan Aksiologis Filsafat Ilmu Pertahanan Dalam Upaya Meningkatkan Kemampuan Bela Negara, *Jurnal Civic Hukum*, Vol.7 No.1, June 6, 2022.

9 Asma Aulia Zikra Hanum Ardi, Timbul Siahaan, and IB Putra Jandhana., Kebijakan Publik Pertahanan Negara Indonesia, *Citizen: Jurnal Ilmiah Multidisiplin Indonesia*, Vol.2 No.1, January 22, 2022, page. 81–87

10 Aini Shalihah, Fahrizal Nur Mahali, and Ahmadi Ahmadi., Arah Politik Hukum Dan Impelementasinya Dalam Pembangunan Sistem Hukum Indonesia, *Jurnal Hukum Dan Keadilan*, Vol.14 No.1, June 12, 2025, page. 1–14

11 Dennis Broeders, Fabio Cristiano, and Monica Kaminska., In Search of Digital Sovereignty and Strategic Autonomy: Normative Power Europe to the Test of Its Geopolitical Ambitions, *Journal of Common Market Studies*, Vol.61 No.5, September 1, 2023, page. 1261–80

through a comprehensive people's defense and security system. This foundation is implemented through Law No. 3 of 2002 concerning National Defense and is strengthened by Law No. 23 of 2019 concerning Management of National Resources for National Defense. In this case, legal policy aims to create a regulatory framework that encourages active community participation, cross-sector integration, and synergy between institutions in realizing a strong and sustainable national defense.

However, at the implementation level, Indonesia's national defense legal policy still faces a number of serious challenges. Budget constraints, imbalances in defense equipment modernization, lack of intersectoral coordination, and weak oversight of defense resource management are major obstacles to achieving policy effectiveness. Furthermore, the urgent need for structural reform and digital transformation within the military requires accommodation within a responsive defense legal policy. Therefore, future national defense legal policy needs to be designed in a more systematic, evidence-based, and strategically independent manner to address global challenges and sustainably protect national interests.<sup>12</sup>

Research conducted by Chiara Vincha<sup>13</sup> entitled *The Emergence of 5G Technology Cyber Threats and Their Implications for Cyber Resilience in Jakarta*, From the results, the author found that the dual-use security dilemma of 5G technology has encouraged the Indonesian government to develop a National Cyber Security Strategy that can maintain cyber resilience with the emergence of new cyber threats from this technology.

Research conducted by Endro Tri Susdarwono<sup>14</sup> with the title *National Resilience by Focusing on the Development and Renewal of Education After the Adaptation of New Habits*, this study concludes that education as the main pillar of post-new national resilience requires major attention. The government must ensure that in education it is able to create a pleasant school without being disturbed by the bureaucratic climate and educational politics. Based on the results of hypothesis testing on changes in preferences for learning towards respondents (consisting of teachers, parents and students), it was found that there was a significant change that both teachers, parents and students towards online learning solutions recommended by the government.

Based on these two studies, it can be learned that the future of national defense legal policy must integrate the dimensions of cybersecurity and educational resilience as strategic elements in building a comprehensive and adaptive defense system to the changing times. Chiara Vincha's research shows

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12 Aris Sarjito., Strategic Evaluation: Geodefense-Based Defense Policy in Confronting Contemporary Military Threats, *Provider Jurnal Ilmu Pemerintahan*, Vol.3 No.1, April 24, 2024, page. 17–37

13 Chiara Vincha and Jati Satrio., Kemunculan Ancaman Siber Teknologi 5G Dan Implikasinya Terhadap Ketahanan Siber Di Jakarta, *Jurnal Ketahanan Nasional*, Vol.30 No.2, August 20, 2024, page. 222–42

14 Endro Tri Susdarwono., Ketahanan Nasional Dengan Ditumpukan Pada Pembangunan Dan Pembaharuan Pendidikan Paska Adaptasi Kebiasaan Baru, *Jurnal Lemhannas RI*, Vol.8 No.3, October 24, 2020, page. 29–45.

the importance of the state's response to new cyber threats due to 5G technology through a national strategy that strengthens cyber resilience, while Endro Tri Susdarwono's findings emphasize the role of education in shaping national resilience after adapting to new habits. Therefore, further research on national defense legal policy needs to examine how regulations and policies can be formulated across sectors between technological security and the education system to realize a preventive, inclusive, and sustainable defense in facing multidimensional threats in the digital era. The purpose of this study is to analyze national defense regulations within the concept of the unitary state of the Republic of Indonesia and analyze national defense legal policy based on Pancasila justice.

## **2. Research Methods**

This research is based on Normative Law research.<sup>15</sup> Normative legal research encompasses the study of legal principles, legal systematization, levels of legal synchronization, and comparative law. Therefore, this research prioritizes library materials or documents, known as secondary data,<sup>16</sup> the data collection was carried out by means of literature.<sup>17</sup> in the form of primary legal materials, including provisions of Law No. 3 of 2002 concerning National Defense and other regulations related to this research.

## **3. Results and Discussion**

### **3.1 The State Defense Regulations in the Concept of the Unitary State of the Republic of Indonesia**

Article 30 of the 1945 Constitution regulates citizen involvement in national defense and security. Through the total people's defense and security system, the Indonesian National Armed Forces (TNI) and the Indonesian National Police (POLRI) are the primary forces, supported by the entire community. While there is a separation between the defense and security sectors, this concept is rooted in the principle of Sishankamrata (Syshankamrata), which integrates all components of national defense and security.

Legal basis for the defense of the Indonesian state<sup>18</sup>, this is stipulated in MPR Decree No. VI of 2000 and Law No. 3 of 2002 concerning National Defense. These laws affirm the rights and obligations of citizens in safeguarding the nation and regulate the roles of the Indonesian National Armed Forces (TNI) and the Indonesian National Police (POLRI). The relevant articles emphasize

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15 Ahamad Rosidi, M Zainuddin, and Ismi Arifiana., Metode Dalam Penelitian Hukum Normatif Dan Sosiologis (Field Research), *Journal Law and Government*, Vol.2 No.1, February 27, 2024, page. 46–58

16 Dhezya Pandu Satresna., Politik Hukum Undang-Undang Nomor 23 Tahun 2019 Tentang Pengelolaan Sumber Daya Nasional Untuk Pertahanan Negara, *Japhtn-Han*, Vol.2 No.2, July 31, 2023, page. 275–290

17 Andri Winjaya Laksana, Hendro Widodo, Dian Pramana., Critical Opinion Paradigm Regulation of Criminal Actions of Drug Abuse Through Religious Rehabilitation Based on the Legal System, *Media Iuris*, Vol.7 No.3, 2024, page. 401-416

18 Nora Leylana and Aris Sarjito., Dampak Pemekaran Daerah Terhadap Pertahanan Negara: Studi Undang-Undang Nomor 23 Tahun 2014 Tentang Pemerintahan Daerah, *Jurnal Terapan Pemerintahan Minangkabau*, Vol.4 No.1, July 8, 2024, page. 29–45

that national defense encompasses efforts to safeguard sovereignty, territorial integrity, and national security, and emphasize the TNI's role in upholding Pancasila and the 1945 Constitution.

This law replaces Law No. 20 of 1982 concerning the Basic Provisions of National Defense and Security of the Republic of Indonesia, which regulates National Defense and Security, which previously only addressed National Defense. The clarification of the National Defense Law separates the domain of national defense issues under the jurisdiction of the Indonesian National Armed Forces (TNI) and national security under the jurisdiction of the Indonesian National Police (POLRI). The working group believes this shift has both substantive and institutional implications for the implementation of the national defense and security system, which are important for further analysis.<sup>19</sup>

Law No. 3 of 2002 concerning National Defense is the primary regulation governing Indonesia's national defense system. This law emphasizes that the national defense system is comprehensive,<sup>20</sup> involving all citizens, territories, and other national resources, and prepared early by the government and implemented in a comprehensive, integrated, targeted, and sustainable manner. This system reflects Indonesia's defense philosophy, which is more defensive in nature, based on the principle of non-aggression, and prioritizes the power of the entire people as the primary defense force.

One of the implications of these changes identified by the working group is the visible role of the Indonesian National Armed Forces (TNI) in handling acts of terrorism. The TNI's authority to handle terrorism is stated in several laws and regulations, including the National Defense Law, Law No. 34 of 2004 concerning the Indonesian National Armed Forces, and Law No. 15 of 2003 in conjunction with Law No. 5 of 2018 concerning Terrorism, but these three regulations have not yet demonstrated harmonious regulation.<sup>21</sup>

National defense regulations also govern the roles and functions of institutions such as the Indonesian National Armed Forces (TNI), the Ministry of Defense, the National Counterterrorism Agency (BNPT), and other institutions supporting national security. Related laws, such as TNI Law No. 34 of 2004, strengthen the division of duties between the TNI and the Indonesian National Police (POLRI) and emphasize the TNI's role in addressing military and hybrid threats.

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19 Nour Zattullah, Ichsan Malik, and Eri Radityawara Hidayat., Analisis Kebijakan Keamanan Nasional Indonesia Ditinjau Dari Kelembagaan Dan Perkembangan Ancaman, *Jurnal Ilmiah Universitas Batanghari Jambi*, Vol.22 No.1, February 19, 2022, page. 120–125

20 Puteri Puslatpur, Toar Neman Palilingan, and Feiby S. Wewengkang., Kedudukan Dan Fungsi Komponen Cadangan Dalam Memperkuat Sistem Pertahanan Negara Ditinjau Dari Uu Nomor 3 Tahun 2002 Tentang Pertahanan Negara, *Lex Privatum*, Vol.11 No.5, July 3, 2023

21 Prayogi Aprilianto and Lukman Yudho Prakoso., Peran Tingkat Pertumbuhan Ekonomi Masyarakat Dalam Implementasi Sistem Pertahanan Dan Keamanan Rakyat Semesta (Sishankamrata), *Jurnal Kewarganegaraan*, Vol.7 No.1, April 27, 2023, page. 288–295

Furthermore, these regulations also address mobilization and demobilization in emergency or war situations.<sup>22</sup>

To address contemporary challenges such as cyber threats, transnational terrorism, and regional conflicts, Indonesia is also developing derivative regulations and strategic defense policies, such as the National Defense Doctrine, the General National Defense Policy, and the Strategic Defense Plan. These documents are dynamic and adaptable to changes in the strategic environment, at the national, regional, and global levels. Defense reform and modernization efforts, including defense equipment and information systems, are also continuously encouraged within a well-organized legal framework.<sup>23</sup>

National defense regulations in Indonesia are an integral part of the national legal system, aimed at ensuring the sovereignty, territorial integrity, and safety of the entire nation from all forms of threat<sup>24</sup>. The primary basis for these regulations is the 1945 Constitution of the Republic of Indonesia, specifically Article 30, which affirms that national defense and security are the shared responsibility of all citizens. This concept is further detailed in various laws and regulations governing the structure, function, and implementation of national defense.<sup>25</sup>

Overall, the national defense regulations in Indonesia demonstrate a systemic and comprehensive approach, which does not only emphasize military strength alone, but also on building national resilience based on people's participation and the values of Pancasila.<sup>26</sup> National defense is not solely related to the military aspect; it is the responsibility of every individual to defend the country in a manner appropriate to their respective capacities and roles. This begins with an awareness of values such as love of country, loyalty to Pancasila, and a readiness to sacrifice for the nation's interests. Implementation of national defense begins with personal efforts to develop physical and psychological abilities, such as discipline, resilience, and fitness. All elements of society, including military and non-military personnel, play a role in maintaining national sovereignty and security. Every citizen has a responsibility to comply with the rules and contribute to national defense. The legal basis for this is stipulated in

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22 Ria Anggun Ariani, Guntur Eko Saputro, and Lukman Yudho Prakoso., Peran Ekonomi Dalam Meningkatkan Kemandirian Pertahanan Negara Melalui Konsep Sishankamrata, *Jurnal Kewarganegaraan*, Vol.7 No.1, May 4, 2023, page. 379–383

23 Muhammad Anwar Ibrahim and Irwan Triadi., Dinamika Hukum Pertahanan Dan Keamanan Negara Dalam Konteks Globalisasi: Tantangan Dan Prospek Di Abad Ke-21, *Hakim: Jurnal Ilmu Hukum Dan Sosial*, Vol.2 No.1, 2024, page. 110–117

24 E Agustini, Yaya Kareng, Ong Argo Victoria., The Role of ICAO (International Civil Aviation Organization) in Implementing International Flight Safety Standards, *KnE Social Sciences*, Uni Emirates Arab, page. 100–114, 2021

25 Ilham Jodia Fajra, Mexsassai Indra, and Junaidi Junaidi., Political Law Of Relocation The Capital Of The Republic Of Indonesia In The Perspective Of National Defense, *Jurnal Ilmiah Wahana Pendidikan*, Vol.10 No.16, August 31, 2024, page. 433–39

26 Adrianus Revi Dwiguna, Athor Subroto, and Achmad Sanusi., Analisis Kompetitif Industri Pertahanan Nasional: Prospek Dan Tantangan Pasca Revisi Undang-Undang Nomor 16 Tahun 2012 Tentang Industri Pertahanan, *Jurnal Manajemen Strategi Dan Aplikasi Bisnis*, Vol.5 No.1, February 16, 2022, page. 43–58

various laws, such as Law No. 3 of 2002 concerning National Defense, which emphasizes citizen participation in national defense efforts.

### **3.2 The National Defense Legal Policy Based on Pancasila Justice**

Pancasila-based national defense legal policy is a strategic approach that places the noble values of Pancasila as the normative and ideological basis for designing and implementing national defense policy. In this context, Pancasila is understood not only as the formal foundation of the state but also as an ethical guideline that guides the direction of legal policy, including in the realm of defense and security. Pancasila, with its five principles, reflects the integral principle of rights and obligations, between the people and the state, and between power and morality in maintaining national sovereignty in a just manner.<sup>27</sup> Pancasila as a value system will function steadily as a view of the life of the nation (way of life, *Weltanschauung*), if all citizens as components of the nation have come to believe in the truth of Pancasila values. On the basis of his belief, the values of Pancasila will be seen as philosophical values.<sup>28</sup>

The first principle, Belief in the One and Only God, emphasizes that all forms of defense legal policy must be based on moral and spiritual values. In practice, defense policy must not conflict with universal humanitarian principles, such as the prohibition of torture, human rights violations, or the excessive use of force. National defense legal policy must reflect respect for human dignity as God's creation, entitled to life and security, guaranteed by the state.<sup>29</sup>

The second principle, Just and Civilized Humanity, encourages the national defense system to be oriented not solely toward hard military power, but also to strengthen humanitarian aspects such as protecting civilians in conflict, digital security, and protecting personal data. This approach encourages a balance between security effectiveness and respect for human rights in designing regulations, defense strategies, and in the implementation of security apparatus duties.<sup>30</sup>

The third principle, "Unity of Indonesia," serves as the primary foundation for building an inclusive and nationally-minded national defense. A defense legal policy based on Pancasila justice must reflect a non-discriminatory national spirit and uphold national solidarity. This includes the involvement of all elements of society, both through the total people's defense system and

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27 Andreas Doweng Bolo., *Demokrasi Di Indonesia: Pancasila Sebagai Kontekstualisasi Demokrasi*, *Melintas*, Vol.34 No.2, August 1, 2019, page. 145–167

28 Dini Amalia Fitri, *Pancasila as a Legal Science Paradigm.*, *International Journal of Law Recontruction*, Vol.3 Issue.1I, September 2019, page. 123-133

29 Ilmu Pertahanan et al., *Ilmu Pertahanan: Menyusun Strategi Kehidupan Yang Tangguh Dan Berkelanjutan*, *Integrative Perspectives of Social and Science Journal*, Vol.2 No.2, April May 4, 2025, page. 2248–2255

30 Robbyanandri Pratama and Nila Aulia Khairunnisa., *Implementasi Filsafat Ilmu Pertahanan Dalam Kebijakan Pertahanan Dan Penyelenggaraan Pertahanan Negara*, *Jurnal Dwija Kusuma*, Vol.12 No.2, September 30, 2024, page. 88–92



through strengthening national defense that prioritizes national values amidst the plurality of social, cultural, and religious identities.<sup>31</sup>

The fourth principle, Democracy Guided by the Wisdom of Deliberation/Representation, directs that the formation of defense laws and policies must involve a democratic, deliberative process. The people, as sovereign owners, have the right to know, provide input, and oversee national defense policies, including the defense budget, cybersecurity strategy, and procurement policies for primary weapons systems (*alutsista*). Transparency and accountability are essential principles in realizing a just and participatory defense legal policy.<sup>32</sup>

The fifth principle, Social Justice for All Indonesian People, is the primary manifestation of national defense legal policy based on Pancasila justice. Defense policy must ensure a sense of security for all citizens, without discrimination based on region, social status, or ethnic group. Security is not an exclusive commodity, but rather a public right that the state must fulfill equitably. Therefore, defense strategies must address the equitable distribution of security infrastructure, increasing the capacity of local human resources, and empowering communities in border and underdeveloped regions.<sup>33</sup>

In the practice of national defense legal policy,<sup>34</sup> Pancasila must also serve as the foundation for responding to non-traditional threats such as cyber threats, natural disasters, terrorism, and pandemics. Policies that focus solely on traditional military threats tend to be unadaptive to contemporary realities. By adopting a Pancasila justice approach, the state can design a holistic and multidimensional strategy, integrating physical security, social security, and digital security into a unified defense system.

Furthermore, a national defense legal policy based on Pancasila justice also demands the reconstruction of positive law to align with the substantive values of Pancasila. In many cases, defense laws and regulations remain sectoral and technocratic, failing to fully reflect the values of justice, humanity, and democracy that underlie Pancasila. Therefore, policy reformulation and regulatory harmonization in the defense sector are crucial to align the Indonesian legal system with the nation's fundamental values.<sup>35</sup>

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31 Hasbullah Hasbullah, Andi Agustang, and Idham Irwansyah Idrus., Penguatan Ideologi Pancasila Dalam Konteks Pertahanan Dan Keamanan Nasional, *Pepatudzu: Media Pendidikan Dan Sosial Kemasyarakatan*, Vol.19 No.1, May 31, 2023, page. 1–15,

32 *Ibid.*

33 Kaharuddin Muhammad, Sunny Ummul Firdaus, and Muhammad Hasrul La Aci., Kebijakan Publik Dan Politik Hukum: Membangun Demokrasi Berkelanjutan Untuk Masyarakat, *Sovereignty*, Vol.2 No.4, December 30, 2023, page.354–68

34 Arief Fahmi Lubis, Jalan Matraman Raya No, and Jakarta Pusat., Implementasi Undang-Undang Nomor 3 Tahun 2002 Tentang Pertahanan Negara Dalam Menghadapi Gangguan Militer, *Jurnal Begawan Hukum (JBH)*, Vol.2 No.1, February 19, 2024, page. 310–19

35 Reza Adiantika Suntara and Tsulis Amiruddin Zahri., Peran Pengawasan Partisipatif Terhadap Perwujudan Civic Engagement Dan Ketahanan Nasional Dalam Pemilu Di Indonesia, *Jurnal Penelitian Inovatif*, Vol.4 No.4, October 5, 2024, page. 2059–2070

The implementation of a just national defense legal policy according to Pancasila also requires synergy between institutions, both civilian and military, within a framework of professional, proportional, and democratic relations. This is crucial to prevent the dominance of military institutions in civilian life while maintaining the effectiveness of the national defense function. A healthy separation of security and defense functions, as well as strengthening the role of civilian oversight of defense policy, are integral parts of a Pancasila-based legal policy.

Therefore, a national defense legal policy based on Pancasila justice is not merely a normative discourse, but rather a policy direction that must be realized in the concrete form of regulations, strategies, institutions, and national defense programs. This approach makes Pancasila a source of inspiration and an evaluative parameter for assessing the success of defense policy. Amidst the complexity of global threats, only by returning to the values of Pancasila justice can Indonesia build a strong, just, and dignified national defense.

National defense legal policies in various countries are generally formulated based on strategic needs, the geopolitical environment, and the ideology of each country. The United States, for example, implements a defense policy based on "power projection."<sup>36</sup> supported by a large military budget and technological supremacy. The country also strengthens laws and policies through its "National Defense Strategy" doctrine, which emphasizes deterrence, alliance interoperability, and dominance in information and cyber technology. Meanwhile, China emphasizes integrating national defense with economic development through its "Civil-Military Fusion" policy<sup>37</sup>. Defense law is developed to allow the civilian and military sectors to collaborate on technological innovation and strategic production. On the other hand, countries like Japan have adopted the principle of "Self-Defense," reflected in Article 9 of their Constitution, which limits the expansion of military power and places greater emphasis on diplomacy and territorial defense based on international law.

Based on these practices, Indonesia can adopt a strategic approach relevant to its national circumstances. First, it is crucial for Indonesia to strengthen integrated cybersecurity and defense technology regulations, similar to China's Civil-Military Fusion model, to enhance the independence of its primary weapons systems (*alutsista*). Second, Indonesia can emulate the transparency and public participation of defense policies adopted by Scandinavian countries, which emphasize citizen-based, universal defense. Third, in terms of international cooperation, Indonesia can strengthen defense law through the ASEAN Political-Security Community (APSC) framework to promote collective regional defense. This approach will make Indonesia's national defense legal

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36 Arina Nihayati., Analisis Strategi Pangkalan Militer Amerika Di Korea Selatan: Proyeksi Kekuatan Regional Dari Pengaruh Korea Utara, *Jurnal Ilmiah Hubungan Internasional Fajar*, Vol.3 No.1, December 13, 2024, page. 1–17

37 Evan A. Laksmana., Retail Path-Dependence: Indonesia's Post-Authoritarian Defence Planning, *Defence Planning for Small and Middle Powers: Rethinking Force Development in an Age of Disruption*, January 1, 2024, page. 113–127

policy more adaptive to contemporary threats, while remaining rooted in the values of sovereignty and social justice as reflected in Pancasila. The novelty of this research lies in the integration of Pancasila values divinity, humanity, unity, democracy, and social justice into a holistic and multidimensional national defense legal framework. The development of technology has been significant, so that there was development in various aspects of community life,<sup>38</sup> by adopting Pancasila's principles of justice this policy is not only reactive to traditional threats but also proactive in addressing non-traditional threats such as cybersecurity, disasters, and pandemics. It also demands a reformulation of positive law to align with the nation's fundamental values.

#### **4. Conclusion**

A Pancasila-based national defense legal policy places the noble values of Pancasila as the ethical, ideological, and normative basis for formulating defense policies that focus not only on military strength but also on humanity, democracy, unity, and social justice. Each principle of Pancasila serves as a guideline for ensuring humane, participatory, inclusive, and equitable security throughout Indonesia. Amid global challenges such as cyber threats, disasters, and terrorism, this approach encourages the reformulation of defense law to be more adaptive, holistic, and pro-people. Indonesia can also adopt the strategies of other countries, such as China's Civil-Military Fusion model, Scandinavian transparency principles, and Japanese defense diplomacy, to strengthen independence, public engagement, and regional cooperation, without neglecting the characteristics of social justice and sovereignty embodied in Pancasila.

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