

Juridicial Review of The Role of Indonesian Army in The Government Governance System

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Abstract. *This study aims to determine the contents of the TNI Bill, which contains regulations governing the duties and authorities of the TNI. The TNI Bill regulates active TNI soldiers assigned as the Indonesian National Armed Forces, thus determining the roles that may and may not be performed within government institutions. The amendment to the TNI Bill was first proposed by the Indonesian House of Representatives (DPR RI) to provide a more detailed legal basis for the TNI's role in carrying out national defense duties. However, the amendment to the TNI Bill has raised public concern, as it is feared that the amendment to the TNI Bill will replace the previously civilian-led government with active TNI members, potentially leading to a repeat of the events of the New Order era, in which most state governments were staffed by ABRI personnel, which in practice severely limited freedom of expression. This study aims to determine the duties of governance, and the impact is also to determine the strengths and weaknesses of state institutions or ministries that will be staffed by Indonesian National Armed Forces soldiers in accordance with the approved bill. Meanwhile, the research used is normative juridical research (legal research). While legal research (legal research) according to Peter Mahmud Marzuki is to find a coherent truth, namely whether there are legal rules in accordance with legal norms and whether there are norms in the form of commands or prohibitions that are in accordance with legal principles and whether actions (acts) a person in accordance with legal norms (not just legal rules) or legal principles.*

Keywords: Army; Government; Duties; Strengths; Weaknesses.

1. Introduction

The TNI Bill is a regulation that regulates the main tasks and authorities that are the responsibility of the TNI in the affairs of the Indonesian state government. The initial change to the TNI Bill was first initiated by the Indonesian House of Representatives in the 2019-2024 period with the intention and purpose of

increasing the duties and authorities of the TNI to face increasingly complex challenges (cyber warfare and technological warfare), but with this change many people felt very strange because in the changes to the TNI Bill active soldiers were allowed to hold positions in state institutions/ministries that were previously filled by civilians, the changes to the rules of the TNI Bill seemed to have no public involvement in it. The lack of political content that was feared was the background to the changes to this TNI Bill, the public was afraid of a repeat of the "New Order Era" where ABRI carried out dual functions in good government institutions/ministries filled by active ABRI soldiers. During the New Order era, active ABRI soldiers with middle-ranking officer ranks filled positions ranging from the Regent/Mayor level to the state minister level with high-ranking officer ranks(Ikhwan Syahdi & Sujono, 2024).

Good governance (*good governance*) is a concept that prioritizes the principles of transparency, accountability, participation, and the rule of law in state administration. In a modern democratic state system, this governance is carried out by elected civilian institutions that are politically accountable to the people. However, in the Indonesian context, the role of the Indonesian National Armed Forces (TNI) in the governance system has a long, complex history, and is fraught with political-legal dynamics. A legal review of the TNI's role in government is a necessity, not only to understand its normative position within the national legal framework, but also to criticize gaps that have the potential to erode the foundations of democracy and the principle of civilian supremacy. The relevance of this discussion cannot be underestimated. Post-Reformasi 1998, Indonesia committed to redefining and repositioning the role of the TNI, which was previously very dominant under the New Order regime(Suryawan & Sumarjiana, 2020). The ABRI's Dual Function Doctrine, which covered the military's involvement in the socio-political sphere, officially ended. The TNI was directed to focus on the function of national defense. However, in practice, the TNI's footprints in governance are still frequently visible, both through formal and informal mechanisms. The participation of TNI officers in civilian positions, both at the central and regional levels, as well as their involvement in development projects and the handling of non-military issues, raise fundamental questions about the extent to which this transformation has been truly internalized and implemented. From a philosophical perspective, the relationship between the military and the civilian government touches on the core of the social contract within a nation-state. The philosophy of the rule of law (*rechtsstaat*) demands that all power, including armed forces, be subject to the law and controlled by a democratic civilian authority. This principle aims to prevent the protection of military power for the benefit of authoritarian power. On the other hand, the philosophy of national defense mandates that the TNI, as an instrument of the state, must be able to deploy professionally to safeguard sovereignty and territorial integrity. The critical question is where the line is drawn between TNI support for national development as part of the state system and intervention that could violate the chain of command and authority of the civilian government.

Sociologically, the Indonesian National Armed Forces (TNI) is inseparable from the fabric of Indonesian society. The history of the independence struggle that gave birth to the TNI positions it not only as a defense institution but also as a socio-political force. This historical legacy creates a unique dynamic, where in the minds of some, the TNI is still viewed as a disciplined, clean, and efficient institution—an image often contrasted with the perceived slow and corrupt civil bureaucracy. This perception is often exploited politically to allow the TNI's involvement in government affairs, for example, in handling social conflicts or eradicating corruption, despite the risk of this harming the civil institution in the long term.

The normative or legal framework governing the role of the Indonesian National Armed Forces (TNI) has undergone significant development. The primary basis is Article 30 of the 1945 Constitution of the Republic of Indonesia, which states that the TNI, as a national defense instrument, is tasked with defending, protecting, and maintaining the integrity and oversight of the state. The Constitution explicitly separates the TNI's role from that of the Indonesian National Police (Polri). This strengthening of the legal framework was further strengthened with the enactment of Law No. 34 of 2004 concerning the Indonesian National Armed Forces.

This law serves as the primary legal basis for repositioning the TNI by affirming its role as a state instrument in the defense sector, whose operations are based on state policy and political decisions. However, this legal tension exists. Although Law No. 34/2004 has limited the TNI's scope for political action, several provisions actually open up opportunities for TNI involvement in governance. For example, Article 47 paragraph (2) states that TNI soldiers can be assigned to certain positions in government agencies or non-ministerial institutions after resigning or retiring from military service. This provision, although requiring termination from active service, often creates problems because the "distance" between retired TNI officers and the institution is often very thin, creating a strong informal network within the bureaucracy. Furthermore, in certain situations, such as emergencies or natural disasters, the TNI can be involved through the Military Operations Other Than War (MOOTW) or Military Operations Other Than War (OMSP) mechanisms. While the goal is noble, expanding this role, if not regulated with clear boundaries and strict oversight, can open the door to the militarization of civilian licenses. The main legal problem is the ambiguity and lack of clear demarcation between the defense-military domain and the civilian governance domain. This ambiguity creates a gray area that is vulnerable to exploitation, both by certain political interests and by the Indonesian National Armed Forces (TNI) itself. Another issue is the weakness of effective civilian oversight mechanisms for TNI involvement in government affairs. The Defense Command, which should be an instrument of civilian control, often lacks the capacity and capability to conduct substantive oversight. At the implementation level, legal culture and differing understandings of the TNI's role among the executive and legislative branches also complicate matters.

Based on the above description, this legal observation is very important to conduct. This paper aims to: first, analyze and critique the legal construction that regulates the role of the Indonesian National Armed Forces (TNI) in the Indonesian governance system, with a focus on the 1945 Constitution and Law No. 34 of 2004. Second, identify legal loopholes and implementation challenges that allow deviations from the principle of civilian supremacy. Third, explore how an effective civilian oversight mechanism can be established to ensure that any TNI involvement in government remains within the legal corridor and does not threaten the consolidation of democracy. Thus, through a normative legal approach and supported by philosophical and sociological analysis, this paper seeks to contribute ideas in efforts to strengthen Indonesian governance that is civil, democratic, and based on law, without ignoring the strategic role of the TNI as the guardian of the state. Ultimately, strict separation and strong oversight are not to include the TNI, but rather to glorify its profession as a guardian of the state that is subject to the constitution and the will of the people.

The purpose of this research is to indirectly identify and educate the public about the institutions/ministries that will be filled, as well as to identify the advantages and disadvantages of the TNI's inclusion in the governance system. It is hoped that this research will prevent overlapping civilian and military positions within the government, and prevent chaos and public pressure caused by the confusion surrounding the revised TNI Bill.

2. Research Methods

This research discusses and determines what makes the TNI Bill violate several regulations in its formation. The research used normative juridical research. Meanwhile, legal research according to Peter Mahmud Marzuki is to find a coherent truth, namely whether there are legal rules in accordance with legal norms and whether there are norms in the form of commands or prohibitions that are in accordance with legal principles and whether actions (*acts*) a person in accordance with legal norms (not only in accordance with legal rules) or legal principles (Peter Mahmud Marzuki, 2025). In solving the problem used in this writing, a regulatory system (*Status Approach*) is used and also using a case approach (*Historical Approach*) by knowing the history of legal institutions from time to time, researchers must be able to know and understand the changes and developments in the philosophy underlying these legal rules.

3. Results and Discussion

3.1 Legal Implications for the Role of the TNI in the Governance System

The TNI Bill is a regulation that regulates the rights and obligations carried out by TNI soldiers, this bill was first initiated since the end of the New Order era. In 2004, the TNI Bill was formed with the issuance of Law No. 4 of 2004 concerning the

Indonesian National Army which clearly stipulates that the TNI must be neutral in terms of politics, professionalism and limits the role of the TNI outside of defense functions. The TNI in this case is no longer allowed to fill civilian positions in either ministerial or non-ministerial institutions, active TNI soldiers are also not allowed to carry out business activities and establish companies as regulated in *"Article 39 paragraph (3) which states that all TNI soldiers are prohibited from carrying out business activities (TNI is prohibited from doing business)"* more clearly the rule that prohibits active soldiers from carrying out civilian activities is contained in the job regulations of Law No. 34 of 2004 in Article 39 paragraph 3 in that the regulations for soldiers in becoming a member of a political party, practical political activities, business activities; and activities to be elected as a member of the legislature in general elections and other political positions (T.G. Simbolon, 2024).

What is the reason why active TNI are allowed to occupy civilian positions in both Ministry and Non-Ministry institutions (HUMAS UNISMUH, 2025). TNI Bill Number 34 of 2004 47 concerning the TNI stated that Ministries/Non-Ministry Institutions that can be filled by active TNI which was originally only 10 positions after being revised and becoming the TNI Law now the addition of active TNI Soldiers to 14 positions in institutions/non-ministerial with additional additions in the National Management Agency (BNPP), the Article Disaster Management Agency, the Counterterrorism Agency, the Maritime Security Agency, and the Attorney General of the Republic of Indonesia (with the Deputy Attorney General for Military Crimes). With the changes that have occurred, the concern that has arisen in the minds of the public is the return of the Dwi Fungsi role that previously occurred during the New Order era. The principles used in the formation of legislation include, the basis of legislation uses legislation as a reference for the formation of legislation, only certain legislation can be used as a legal basis for the formation of legislation, legislation that is still in force can only be removed, deleted or changed by legislation of the same level or higher legislation, and legislation that is always old legislation or *"Lex posterior derogates legi a priori."*

If we look further, the concept of ABRI's dual function was first put forward by General Abdul Haris Nasution who was inspired by the ideas of a war general from Prussia. namely General Karl von Clausewitz (Sofuan, 2023). General Karl von Clausewitz believes that war can be a tool used for political action through a method that is not only communicated to the military. In Politics and the Military, both have differences but have one thing that is both beneficial, with this thought making General A.H Nasution begin to use and apply the thoughts of the Prussian general. The first thing that General AH Nasution did was to connect between civilians and the military in a straight and harmonious line. In government institutions, the position of TNI-AD officers in the formation and development of the strong New Order regime, under the leadership of General Soeharto, in 1965 General A.H Nasution had the idea of offering a meeting point where the military

would play a role in areas that were outside the military's authority, in other words that the military entered government politics including filling positions in the cabinet, institutions and other functional and strategic positions, both in regional governments and business entities managed by the state. In 1966, the Indonesian Army officers not only considered themselves as stabilizers, but also as dynamic agents, and were able to provide renewal and improvement of the nation's economy, apparently reflecting on the previous government which had failed due to political domination by civilian politicians. The policies had been thought of, formulated, and made by a group of Indonesian Army officers, who had been selected and trusted by President Soeharto. The Deputy Commander of the Indonesian Army took over control of the bureaucracy which was implemented with proliferation by ABRI officers into all lines of bureaucracy both at the central and regional levels. Since the establishment of the First Development Cabinet in 1968, most departments and government agencies were held by ABRI officers at the Regency/City and Provincial levels (Levels 1 and 2). In 1960, only a few Governors came from ABRI, but in the early 1970s, the number of ABRI officers who held the position of Governor increased to 92 %, while in 1968 the number of Regents who came from ABRI was 59% (Mas'oed, 1989; 151-152). The New Order era led by Soeharto for 32 years was a tiring period due to militaristic and repressive leadership. It must be admitted that some achievements, especially in the economic sector, were indeed achieved. However, these achievements were very uneven. During Soeharto's rule, he dominated the legislative and judicial powers by demonstrating his authoritarian leadership style and violating human rights.

In creating and spreading propaganda, Suharto and his New Order government attempted to exploit various available media. The New Order also did not hesitate to take repressive action to crack down on any subversive movements that could potentially threaten its power. Many political opponents of the New Order ended up as political prisoners because they were deemed unwilling to submit and obey. Previously critical press institutions were attempted to be silenced and tamed through various policies that naturally benefited the authorities. All of these harsh measures and tight controls were carried out by the New Order in the name of national stability as a priority.

In this dual function concept, there are many understandings where many policies are considered more authoritarian and contrary to the concept of freedom of expression today. An example of the misuse of the dual function implementation in the New Order is the arrest of individuals who are considered too vocal in giving their voices or aspirations in responding to the New Order government, in other words, everyone must obey and be under the control of the government so that if a movement or attitude is found that is considered suspicious in society, the state will quickly suppress it. During the New Order era, differences were not acceptable. If there was a difference or conflict, the community group would be

intimidated or eliminated (Rajab, 2022). Many media, activists and students were arrested, their voices silenced. The New Order's actions in controlling the press remind Althusser's view that the spread of ideology will be effective if the state apparatus is deployed properly. Althusser explains how a state ideology can be accepted, both consciously and unconsciously, through the efforts of the ideological state apparatus and the repressive state apparatus (Subarkah Eddyono, 2021). The authorities make the press willingly or unwillingly obey the authorities in order to support the legitimacy of their power, according to activist Wiji Thukul, who considers that government propaganda covers up the real facts, where this poem also focuses on the use of violence to silence the voice of the opposition (Ifra & Hardi, 2025). During the New Order era, many human rights violations occurred, such as the exile of the people on Buru Island, the Petrus incident (Mysterious Shootings 1981-1985), and the most famous Trisakti case, which resulted in many fatalities and injuries. In addition to the dual function established by the view of the middle path between the military and civilians by General Abdul Haris Nasution, another factor that had an indirect influence was the election of Sudharmono, who also held the position of deputy military and also served as the main leader of the Golkar party during the New Order period (Dimas Ziqi Prasetiadi, Marjono, 2021). In addition, the existence of political parties was also still very limited, so there were only a few parties in Indonesia, with ABRI members and civil servants providing support and having an important role in influencing the direction of politics, with the majority providing support and organizing *the "GOLKAR PARTY"* with for example, in the 1997 elections, the Golkar Party won 325 of the 425 DPR RI seats contested or around 76.47% of the seats.

Currently there is a change between civil and military relations since the end of President Soeharto's leadership who at that time resigned from his position as leader of the Republic of Indonesia in 1998 so that the dual function era within the TNI body slowly diminished and was eventually abolished, this is in line with a theory explained in the Civil Military Relations theory that in 2009 the TNI was no longer involved in the government body by accelerating its non-participation in the political system of government in 2004, thus the TNI has abandoned the system or that has been adopted with no more members who are still actively serving entering civil or legislative government affairs, with this TNI soldiers will only focus on the military field and return to the barracks by returning the true identity of the TNI in the defense field (Syamsul Hilal, Afrizal Hendra, Tri Legionosuko, 2022).

The revision to the TNI Bill is feared to revive the concept of dual function, which has been abandoned since *the "Reformation Era"*. Meanwhile, in a democratic state, the problem in the relationship between civilians and the military is how to realize civilian supremacy over the military. Civilian supremacy in the context of military supremacy must be understood as a manifestation of popular sovereignty (Politik et al., 2024). For example, before the enactment of the TNI

Law, it was discovered that several active TNI soldiers had held several civilian positions. At least 7 active TNI soldiers had held positions in both ministerial and non-ministerial institutions, with 6 of them holding the rank of high-ranking officers and 1 holding the rank of middle-ranking officer. This has at least damaged trust in this institution, increasing the belief that in the future at least the dual function of the TNI will be used again in government.

Despite being approved as a law by the Indonesian House of Representatives (DPR-RI), many people have still filed lawsuits against the TNI Law with the Constitutional Court (MK) because they are deemed formally flawed. The points raised in the lawsuits are:

First, in the formation of the TNI Law, it is known that public participation was not included with the absence of official dissemination of the draft bill by the DPR during the discussion stage.

Second, the discussion of the TNI Bill was also carried out behind closed doors and was considered too rushed, taking the example of the meeting held by Commission I of the DPR-RI which was held to discuss the TNI Bill which was held behind closed doors at the Fairmont Hotel in Jakarta for 2 days on March 14-15, 2025. In this case, the formation of the TNI Bill is considered to have violated constitutional rights and also the right to express opinions by citizens who also want to build the nation (Riskiyono, 2015).

Meanwhile, in the formation of a law, there are several requirements that must be met, such as the following stages (Agus Sahbhani, 2025):

First, the Draft Law (RUU) stage. The drafting of a RUU must be included in the national legislative program (Prolegnas), which requires the aspirations and needs of the community to be taken into account. (Article 7 of DPR Regulation 2/2020) stipulates that the drafting of the Prolegnas is set for a medium-term or annual period.

Second, the drafting stage. At this stage, the drafting of the bill begins to be disseminated by uploading it to the relevant ministry/institution's regulatory information system. Furthermore, the bill can be disseminated through print media and through outreach so that the public can see and analyze what is deemed appropriate to the community's needs for the drafting of the law.

Third, the discussion stage. At this stage, the government will receive input from the public, both directly through print media and indirectly through electronic media. Public input will then be considered. The discussion will go through two stages: the first through commission meetings, legislative body meetings, joint commission meetings, and then the second through a plenary session with the House of Representatives (DPR). In the second stage, public participation has begun to be locked because at this stage the activity takes the form of a report

containing the process, faction opinions, DPD opinions and also level I discussions. At this stage, approval, input, and approval from each faction and member will be requested verbally by the leadership in a plenary session. At this stage, a final opinion will also be requested, which a minister will be tasked with conveying to the President. This stage also answers whether the bill is approved to be continued into law or not.

Fourth, the ratification stage. At this stage, public participation is eliminated because the bill has received joint approval and has been revised. If there are technical errors in the drafting, they will be submitted to the President for ratification into law, no later than 7 days after the bill is approved. The bill will be ratified by the President, with his signature, no later than 30 days after it is approved by the DPR and the President.

Fifth, the Promulgation stage. Public participation is no longer necessary at this stage, as the government has full authority to promulgate the law through the relevant minister in charge of the state secretariat. The goal is for everyone to be aware of what is published in the State Gazette of the Republic of Indonesia.

In several stages above it has been explained that the voice of the community is very necessary at several stages and also the community is given space to be involved in the formation of laws, but in actual conditions the community is not included in meaningful participation or what is commonly known as "*Meaningful Participation*". In the Constitutional Court decision No. 91 / PUU-XVIII / 2020, it defines "*Meaningful Participation*" (Participation has the following meanings: 1) The right of the community to be heard (*right to be heard*); 2) The right of the community to consider (*right to be considered*); 3) The right of the community to get an explanation or answer to the opinion given (*right to be explained*). It is also explained in Article 27 paragraph (1) and Article 28C paragraph (2) of the 1945 Constitution which provides opportunities for citizens(Dodi Jaya Wardana, 2021).

The formation of laws that are considered aspirational occurs in the process of paying attention to the aspirations of the community. Community involvement in the process of forming laws and regulations is a reflection of the principle of transparency, which is the principle of forming laws and regulations that have benefits and have effective implementation in society(Dampak et al., 2025). A law and regulation is said to be aspirational and participatory if it can produce regulations that have the following characteristics: 1) general and comprehensive in nature, which thus constitutes goodness and special and limited properties; 2) universal in nature, because laws are formed to face future events. Therefore, laws cannot be formulated to address certain events only; and 3) have the power to measure and improve themselves. Is it common for a regulation to include a clause that contains the possibility of review.

Public aspirations are a series of activities in the form of demands or "resistance" against a policy that are carried out systematically and organized. The goal is to influence the formation or change of policy as an effort to express public interests. To represent ideas, the public can still voice their aspirations through various media, including print, electronic, and other conventional media that are constitutionally guaranteed to respect human rights. Accommodating public aspirations can increase legitimacy, transparency, and responsiveness, and is expected to produce accommodative policies. When a policy is not aspirational, it can lead to quality regarding the criteria for determining "who gets what." Conversely, a policy-making process that is carried out openly and supported by adequate information will give the impression that nothing is being hidden. The legitimacy of the policies taken will undoubtedly increase.

Public participation in the formulation of this law aims to ensure the successful implementation of a policy. This objective relates to effectiveness, burden sharing, and efficiency. Increasing participation will help ensure that the public's interests are met to a greater extent. Increasing participation can also create a common ground for these interests, with the resulting solutions ultimately increasing the satisfaction of many parties with a policy. Ample evidence shows that when the target groups of a policy are involved in the decisions that affect them, as well as in the implementation of those activities, better policy outcomes can be achieved. The principle of openness is crucial in the process of formulating legislation, as it addresses two crucial aspects: first, the regulation and implementation of openness, which is part of the constitutional rights of Indonesian citizens, who are the parties most impacted by the implementation of these laws. Second, if laws are not formulated based on the principle of openness, it will ultimately hinder the proper and effective administration of government (Andriani, 2023).

The discrepancy between the formation with several regulations and also the situation and the many issues of the return of the dual function that is currently happening is increasingly confusing the public so that there is a lot of rejection by the public because of the reopening of the ABRI dual function path. If it is true that the dual function will be revived with the ratification of the TNI Law, several things such as the restriction of freedom of speech, authoritarian government, threats to Human Rights could occur, in addition to the participation of ABRI or TNI in the future will create a bad perception and in the government will be considered to violate the boundaries between the military and civilian government where both should stand alone without interfering in each other's affairs and authority (Pebriawan et al., 2023).

3.2 The Role of the TNI in the Governance System

In Law No. 3 of 2025 concerning Amendments to Law No. 34 of 2004 concerning the Indonesian National Armed Forces, Article 47 (2) explains that "In addition to holding positions in ministries/institutions as referred to in paragraph (1), Soldiers

can hold other civilian positions after announcing themselves or retiring from active military service." However, this is very contrary to the situation where there are still several Active Soldiers in the TNI who are also certain in Government Ministries/Institutions(Wardana, 2023). An example of an Active Soldier who does not resign and holds a position in a Ministry Institution is Lieutenant Colonel TNI. Teddy Indra Wijaya who served as secretary under the auspices of the Ministry of State Secretariat in the Red and White cabinet since October 21, 2024. This is certainly considered controversial because if you want to serve you must humble yourself in accordance with the applicable law but in the bill it is also stated that only 15 Ministries / Institutions can be filled but in the case of Lieutenant Colonel TNI Teddy the Ministry he served in was not included in one of the Ministries / Institutions discussed in the bill where the position was filled by other than that which was considered irrelevant active TNI members who entered the realm of the Attorney General's Office where this was considered inappropriate because the TNI is a State Defense Component not a Law Enforcement Component besides positions in the Ministry of State Secretary and the Attorney General's Office there are still several officials in the Government body which are also filled by active TNI Soldiers with details of all of them being Officers(Fika Nurul Ulya, 2025). This is considered the same as the past government where almost all the government was held/filled by ABRI soldiers who were still active, but what differentiates the current government from the New Order era is that the government filled by the Military and Civilians is very different because during the Reform Era, the Military who served was only around less than 10% in the era of President Prabowo's administration. The Ministries/Institutions held by these active military soldiers include:

Coordinating Ministry for Political and State Security Affairs, Ministry of Defense, where including the National Defense Council, State Secretariat, Presidential Military Secretariat, State Intelligence Agency, National Cyber and/or Crypto Agency, National Resilience Institute, National Basarnas (SAR), National Narcotics Agency, Supreme Court, Attorney General of the Republic of Indonesia for Military Crimes serving as Deputy Attorney General for Military Crimes, Ministry of Maritime Affairs and Fisheries, Disaster Management Agency, Counterterrorism Agency, Maritime Security Agency.

In Law No. 34 of 2004 concerning active TNI soldiers, only those permitted to hold positions within the scope described above are permitted(T.G. Simbolon, 2024). Furthermore, several TNI officers were found to hold positions that were not in accordance with their duties and functions, including:

1. First Admiral TNI Ian Heriyawan, who was currently appointed to serve as the Hajj Organizing Agency (BPH), previously this high-ranking TNI officer from the naval force served as the Head of the TNI Military Center since 2022;

2. Major General Novi Helmy Prasetya, a two-star officer from the army, is currently the President Director of the State-Owned Logistics Agency (Perum Bulog). He was appointed by Erick Thohir, who served as Minister of State-Owned Enterprises, on February 7, 2025.

3. General Maruli Simanjuntak is a four-star high-ranking TNI officer who currently serves as the Chief of Staff of the Indonesian Army and also as the Main Commissioner of PT. PINDAD, General Maruli was appointed by Erick Thohir in accordance with the Decree of the Minister of State-Owned Enterprises Number: SK-16/MBU/01/2024 issued on January 22, 2024;

4. Major General Irham Waroihan, an officer in the Indonesian National Armed Forces (TNI) from the Army, holds the position of Inspector General of the Ministry of Agriculture (Kementan). This statement was made based on the issuance of the TNI Commander's Decree Number Kep/1545/XII/2024. Previously, he served as Deputy Inspector General of the Indonesian Army since August 24, 2023;

5. Major General TNI Maryono, a high-ranking officer of the land-based TNI, holds the position of Inspector General of the Ministry of Transportation. In his appointment as Inspector General of the Ministry of Transportation, he received a decree issued by the TNI Commander with the number Kep/1545/XII/2024. Previously, he served as Coordinator of the Expert Staff of the TNI Commander, which he has held since September 11, 2024;

6. Admiral Muhammad Ali, a high-ranking Indonesian National Armed Forces officer from the Navy, serves as President Commissioner of PT PAL Indonesia, and as Chief of Naval Staff, effective December 28, 2022. He is a four-star officer. His appointment was made directly by State-Owned Enterprises Minister Erick Thohir, based on Ministerial Decree No. SK-299/MBU/12/2024.

7. Lieutenant Colonel (Inf) Teddy Indra Wijaya is a middle-ranking officer from the land force, he officially served as Cabinet Secretary (Seskab) after being inaugurated by President Prabowo Subianto on October 21, 2024. This appointment is stated in Presidential Decree (Keppres) Number 143/P of 2024 (Dede Nana, 2025).

This is contrary to the regulations expressly stated in Article 47 paragraph (2) of Law No. 3 of 2025 concerning Amendments to Law No. 34 of 2004 concerning the Indonesian National Armed Forces, which explains that soldiers can only occupy civilian positions after they have withdrawn from active military service or have retired (Republik Indonesia, 2025).

In terms of the entry of the TNI into the government which is actually not a military domain, it is considered a weakness because it can give rise to propaganda that in the future the integrity and professionalism of the TNI will be eroded over time, because the focus that should only be on the military aspect will increase with the political aspect where the knightly spirit of a soldier will also discuss the integrity of his professionalism. In the general picture, the entry of the TNI into the political realm will limit the state system, the entry of the TNI into this civilian government system will ultimately hinder the process of birth of future generations of leaders who come from qualified civilians in the future. The advantage if the TNI enters the government is that in the TNI bureaucracy it has a high sense of discipline and the TNI is often associated with the value of defending the country and a high spirit of patriotism so that later in the government body it can clean up the practice of KKN (Corruption, collusion, nepotism) which has long existed in the government.

4. Conclusion

The TNI Bill is a regulation that regulates the rights and obligations of TNI soldiers, this bill was first initiated since the end of the New Order era. In 2004, the TNI Bill was formed with the issuance of Law No. 4 of 2004 concerning the Indonesian National Armed Forces which clearly stipulates that the TNI must be neutral. However, in the TNI Bill Number 34 of 2004 Article 47 concerning the TNI mentioned Ministries/Non-Ministerial Institutions that can be filled by active TNI which was originally only 10 positions after being revised and becoming the TNI Law, now the addition of active TNI Soldiers to 14 positions. With the revision of this TNI Bill, it is feared that it will revive the concept of dual function that has been abandoned since *the "Reformation Era"*. Even before the ratification of this TNI Law, it has been found that several active TNI Soldiers have held several civilian positions, at least there are 7 active Soldiers within the TNI who have held positions in both Ministerial/Non-Ministerial Institutions. At several stages in the formation of a law, the community should be involved in the discussion space for the formation of the law, but in actual conditions the community is not included in meaningful participation or commonly known as *"Meaningful" Participation*. Community participation in the formation of this law aims to ensure the successful implementation of a policy. This goal is related to effectiveness, burden sharing, and efficiency. The entry of the TNI into the civil government system will hinder the process of birth of leaders from qualified civilians in the future. However, the positive side will be that in the future the TNI can clean up the practice of KKN (Corruption, Collusion, Nepotism) that has long existed in the government. Suggestions that can be used in the formation or change of the contents of the TNI Bill in the future so that one point is that in the formation or change of its contents must involve the community so as not to reduce public trust in the Indonesian National Armed Forces institution, and in the future it is hoped that the placement of active soldiers in institutions or ministries in the government will be adjusted to the existing duties and regulations.

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