



Disharmony in the Appointment of Indonesian National Armed Forces (TNI) Personnel to Civilian Positions

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Article	Abstract
Keywords: Civilian Supremacy; Dual Office Holding; Indonesian National Armed Forces; Legal Certainly; Regulatory Disharmony	This research is motivated by the enactment of Law Number 3 of 2025 concerning Amendments to Law Number 34 of 2004 on the Indonesian National Armed Forces (TNI), which has generated controversy regarding the expansion of civilian positions that may be occupied by active TNI personnel. The provision is considered to have the potential to weaken the principle of civilian supremacy, create political conflicts of interest, and cause disharmony with Law Number 28 of 1999 concerning State Administrators Who Are Clean and Free from Corruption, Collusion, and Nepotism. This study aims to analyze the conformity of dual civilian positions held by TNI personnel with the principle of civilian supremacy and to examine the forms of disharmony between the two laws. This study employs normative legal research using both statutory and conceptual approaches. Legal materials were collected through library research consisting of primary, secondary, and tertiary legal sources. The legal materials were analyzed using a prescriptive method in order to provide legal arguments and solutions to the issues examined. The results of the study indicate that the provisions concerning dual civilian positions held by active TNI personnel are not fully consistent with the principle of civilian supremacy because they may lead to military intervention in civilian affairs, political conflicts of interest, human rights violations, and tendencies toward authoritarianism. Furthermore, the revised TNI Law is considered disharmonious with the principles of legal certainty, orderly state administration, public interest, professionalism, and accountability as stipulated in Law Number 28 of 1999. Therefore, clearer legal norms and stricter limitations on the involvement of active TNI personnel in civilian

positions are necessary to safeguard democratic principles, civilian supremacy, and legal certainty in Indonesia.

INTRODUCTION

Indonesia is a state governed by the rule of law. A state based on the rule of law refers to a system of government organized and administered according to laws that are applied fairly and embodied in a constitution, under which all individuals, both the governed and the governing authorities, are equally subject to the law (Rais, 2022). As a state founded upon the rule of law, every governmental activity must prioritize and uphold the principle of legal supremacy as mandated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia (RI, 1945). As a legal state, Indonesia possesses constitutional foundations in the administration of government (Hananto Widodo, Muh. Ali Masnun, Intan Lovisonnya, Dicky Eko Prasetyo, 2026). As stipulated in Law Number 12 of 2011 concerning the Formation of Laws and Regulations (DPR RI, 2011). The 1945 Constitution of the Republic of Indonesia constitutes the highest written legal foundation within the hierarchy of Indonesian legislation (Prasetyo et al., 2025).

Historically, the concept of the rule of law has been influenced by two major doctrines, namely *rechtsstaat* and *rule of law*. According to Friedrich Julius Stahl (Herdiawan Syahputra & Author, 2023), the *rechtsstaat* doctrine consists of four essential elements:

- a. recognition and protection of human rights;
- b. state administration based on the principle of separation of powers (*trias politica*);
- c. government conducted in accordance with statutory laws;
- d. the existence of administrative courts authorized to adjudicate unlawful acts committed by government authorities.

Meanwhile, Albert Venn Dicey (Hadi, 2022) identified three essential elements of the *rule of law*:

- a. supremacy of law;
- b. equality before the law;
- c. a constitution founded upon the protection of human rights.

These principles have been widely adopted by democratic states, including Indonesia, which incorporates elements of both doctrines into its constitutional framework.

In addition to adhering to the rule of law, Indonesia also upholds the principle of civilian supremacy (Faturrazi, 2025). Civilian supremacy constitutes a fundamental principle of democratic governance. According to Kenneth W. Kemp and Charles Hudlin in *Armed Forces & Society* (Fathoni et al., 2025), civilian supremacy is a fundamental principle within a democratic legal state that places civilian authorities as the highest holders of governmental power and requires the military to remain

subordinate to civilian authority. The essence of civilian supremacy lies in placing ultimate authority in the hands of democratically elected civilian governments. Following the Reform Era of 1998, the implementation of civilian supremacy was strengthened to ensure military subordination to civilian control and to eliminate the *dual function (dwifungsi)* doctrine previously exercised by the Armed Forces of the Republic of Indonesia (ABRI).

The Indonesian National Armed Forces (TNI) serve as the primary instrument of national defense, playing a crucial role in safeguarding the territorial integrity, sovereignty, and security of the nation. The TNI performs two principal functions, namely Military Operations for War and Military Operations Other Than War, both of which are carried out according to national circumstances and needs. In fulfilling these functions, the TNI is constitutionally restricted from involvement in civilian governmental affairs. Such restrictions are intended to prevent military intervention in political activities, law enforcement processes, legal certainty, and potential human rights violations.

The enactment of Law Number 3 of 2025 concerning Amendments to Law Number 34 of 2004 on the Indonesian National Armed Forces has generated significant public controversy, as it is perceived by many as conflicting with the principle of civilian supremacy. One of the primary concerns arises from Article 47 paragraph (1), which permits active TNI personnel to occupy strategic civilian positions, including positions within state institutions and government ministries (DPR RI, 2025). This provision has raised concerns that it undermines the principle of civilian supremacy and may revive the former *dual function (dwifungsi)* doctrine of ABRI (Hilda & Abdul, 2025). Furthermore, Article 47 paragraph (2) stipulates that other civilian positions may be occupied by TNI personnel only after resignation or retirement from active military service. Although this provision expands the range of civilian positions that may be held by military personnel under certain conditions, Article 47 paragraph (3) contains the phrase “based on the request of the leadership of ministries/agencies and subject to the applicable administrative provisions within such ministries/agencies.” This wording raises legal concerns regarding ambiguity in the interpretation of the appointment process for military personnel occupying civilian positions.

Such ambiguity has generated public apprehension, as military involvement in civilian offices may weaken civilian supremacy and potentially facilitate political intervention. One factor that may underlie such appointments is political interest. This concern is particularly significant considering that Article 30 paragraph (2) of the 1945 Constitution explicitly states that the TNI and the National Police serve as the primary forces, while the people act as supporting forces in implementing the national defense and security system (Ujung et al., 2025). This constitutional provision affirms that the

TNI is an instrument of the state rather than a political instrument and must remain subordinate to civilian authority.

Legislation should be harmonious and consistent with the legal framework it governs (Purwanto et al., 2024). Regulatory disharmony refers to a condition in which two or more regulations conflict with one another despite regulating similar or related subject matters. In this regard, this study examines the relationship between Law Number 3 of 2025 concerning Amendments to Law Number 34 of 2004 on the Indonesian National Armed Forces and Law Number 28 of 1999 concerning State Administration Free from Corruption, Collusion, and Nepotism. Such inconsistencies may create legal uncertainty, contrary to Article 28D paragraph (1) of the 1945 Constitution, which guarantees every individual's right to legal certainty and equal treatment before the law.

Law Number 3 of 2025 concerning Amendments to Law Number 34 of 2004 on the Indonesian National Armed Forces appears to conflict with Law Number 28 of 1999 concerning State Administration Free from Corruption, Collusion, and Nepotism. Article 3 of Law Number 28 of 1999 outlines the general principles of state administration, including legal certainty, orderly state administration, public interest, openness, proportionality, professionalism, and accountability (DPR RI, 1999). However, the amended TNI Law gives rise to disharmony with several of these principles, particularly the principles of legal certainty, orderly state administration, public interest, professionalism, and accountability.

The limitations established under the amended TNI Law remain unclear and open to multiple interpretations. In the context of law enforcement, military involvement in civilian affairs may create overlapping authority between military and police institutions, thereby undermining the *rule of law* in a democratic state. Moreover, the integrity and professionalism of active military personnel occupying civilian offices have become matters of public controversy, raising questions as to whether such personnel will adhere to civilian independence or remain subject to military command structures (Kariawan et al., 2022).

At present, several active TNI officers simultaneously hold civilian positions, including Lieutenant Colonel Teddy Indra Wijaya as Cabinet Secretary, Major General Maryono as Inspector General of the Ministry of Transportation, Major General Irham Waroihan as Inspector General of the Ministry of Agriculture, Rear Admiral Ian Heriawan within the Hajj Organizing Agency, and Major General Novi Helmy Prasetya as President Director of the State Logistics Agency (BULOG).

Based on the foregoing discussion, a comprehensive study of Law Number 3 of 2025 concerning Amendments to Law Number 34 of 2004 on the Indonesian National Armed Forces is necessary to ensure that the principle of civilian supremacy is not undermined following

1. To what extent do the provisions governing the concurrent holding of civilian positions by TNI personnel comply with the principle of civilian supremacy
2. What forms of regulatory disharmony exist between Law Number 3 of 2025 concerning Amendments to Law Number 34 of 2004 on the Indonesian National Armed Forces and Law Number 28 of 1999 concerning State Administration Free from Corruption, Collusion, and Nepotism?

Based on the formulation of the research problems outlined above, this study aims to Analyze the provisions governing the concurrent holding of civilian positions by Indonesian National Armed Forces (TNI) personnel in relation to the principle of civilian supremacy and Analyze the regulatory disharmony between Law Number 3 of 2025 concerning Amendments to Law Number 34 of 2004 on the Indonesian National Armed Forces and Law Number 28 of 1999 concerning State Administration that is Clean and Free from Corruption, Collusion, and Nepotism.

METHOD

This study employs a normative legal research method, which is conducted through the examination and analysis of primary, secondary, and tertiary legal materials (Masnun, Muh. Ali, Prasetio, Dicky Eko, 2025). To address the legal issues under investigation, this research applies two approaches, namely:

1. Statute Approach

The statute approach is a research method undertaken by examining and analyzing all legislation and legal provisions relevant to the legal issues under investigation.

2. Conceptual Approach

The conceptual approach is a method in normative legal research that emphasizes analysis from a theoretical and conceptual perspective in addressing legal problems by examining the underlying legal concepts.

The legal materials employed in this study consist of three categories. First, primary legal materials, which are derived from statutory laws and regulations. Second, secondary legal materials, which are obtained from legal textbooks, scholarly journals, and the opinions of legal experts. Third, tertiary legal materials, which are sourced from language dictionaries, legal encyclopedias, and non-legal literature.

RESULTS AND DISCUSSION

1. **Provisions Concerning the Holding of Concurrent Civil Positions by Active Indonesian National Armed Forces (TNI) Personnel That Are Inconsistent with the Principle of Civilian Supremacy**

A review of Indonesia's military history demonstrates that, during the New Order era, the Indonesian National Armed Forces (TNI), then known as ABRI, played

a significant role in governmental affairs. This influential position stemmed from the concept of the ABRI Dual Function (*Dwifungsi ABRI*), which assigned the military a dual role as both a national defense institution and a participant in civilian governance (Ichtiari et al., 2024). Consequently, military dominance extended into various civilian sectors, including the bureaucracy, legislature, and judiciary. Such circumstances weakened the democratic system, as public participation in governance became restricted due to extensive military influence over civilian affairs. Therefore, during the Reform Era of 1998, the military's dual function within the socio-political sphere was substantially curtailed.

The Reform Era of 1998 marked a significant transformation in eliminating the military's dual role within civilian institutions. During this period, the military was restored to its primary constitutional function, namely safeguarding national security and defense (Suryantoro, 2025). The abolition of the military's dual function positively contributed to expanding civilian participation in governance, thereby fostering a more democratic and transparent political system. Furthermore, the separation of military and civilian functions promoted greater independence and professionalism within civilian institutions. As a result, civilian authorities became more focused on prioritizing the interests and welfare of the public.

However, pursuant to Law Number 3 of 2025 concerning Amendments to Law Number 34 of 2004 on the Indonesian National Armed Forces, the provisions regulating concurrent positions held by TNI personnel have generated considerable legal and constitutional concerns. These concerns arise because the revised TNI Law appears to inadequately accommodate both normative legal principles and a fundamental principle of a democratic state governed by the rule of law, namely civilian supremacy. One of the most controversial aspects of the revised law is its authorization of active-duty TNI personnel to occupy civilian positions while simultaneously expanding the range of civilian offices that may be held by active military personnel.

Further concerns emerge from Article 47 paragraph (3), which stipulates that TNI personnel may occupy certain civilian positions upon the request of the leadership of a ministry or government institution. This provision creates legal ambiguity due to its broad and potentially multi-interpretable wording, thereby creating opportunities for conflicts of interest, particularly in relation to political considerations. The authorization granted to active military personnel to occupy civilian offices may revive military influence within civilian institutions, thereby generating public concerns regarding excessive military involvement in governance and the potential emergence of repressive forms of civilian control, including possible infringements upon human rights (Farchan, 2022).

Within the framework of civilian supremacy, the military functions exclusively as an instrument of national defense under the authority and supervision of civilian institutions. Consequently, the expansion of civilian positions available to active-duty

military personnel increases the potential for military influence and intervention in matters requiring the neutrality and independence of civilian authorities. Such developments may ultimately undermine democratic governance by weakening effective civilian control over state institutions (Constitutional & Studies, 2025).

a) The Potential for Political Interests

The expansion of opportunities for active-duty TNI personnel to occupy strategic civilian positions inevitably raises questions regarding the underlying motivations behind such policy changes. Political interests may constitute one of the primary factors influencing the enactment of Law Number 3 of 2025 concerning Amendments to Law Number 34 of 2004 on the Indonesian National Armed Forces. Furthermore, the legal ambiguity arising from the interpretation of Article 47 paragraph (3) creates uncertainty regarding the procedures and criteria for appointing military personnel to civilian offices, thereby increasing the likelihood that political considerations may influence such appointments. Political interests may manifest through patronage practices, whereby positions are granted to individuals or groups as a form of political reciprocity. Such practices may ultimately lead to nepotism and favoritism in public administration. Consequently, the revised legal framework creates the possibility that civilian institutions may gradually become subject to militarization (Podung et al., 2025).

The involvement of military personnel in civilian offices also creates the potential for conflicts of interest between national defense responsibilities and political objectives. Within modern democratic systems, the military is expected to maintain political neutrality and professionalism, refraining from involvement in political affairs. When military personnel are granted broader access to civilian positions, the distinction between military and civilian spheres becomes increasingly blurred. This situation may foster public perceptions that military institutions are being utilized as instruments for consolidating the political power of particular individuals or groups, especially where appointments lack transparency and accountability.

From the perspective of civilian bureaucracy, the expansion of opportunities for active-duty military personnel to occupy civilian offices may adversely affect the independence of civilian institutions. Such expansion may also reduce opportunities for civilian public servants who possess the qualifications and career progression required under a merit-based system. Consequently, these practices may generate perceptions of injustice and undermine the principle of professionalism in public administration. In the long term, such developments risk re-establishing military dominance within civilian institutions, thereby weakening democratic governance and diminishing constitutional safeguards.

b) The Potential for Human Rights Intervention

The placement of active-duty TNI personnel in strategic civilian positions has generated public concerns regarding the possibility of human rights intervention within

democratic governance. Military involvement in civilian institutions may pose risks to the protection of fundamental rights, particularly in relation to law enforcement, civilian oversight, and freedom of expression. The institutional culture of the military differs significantly from that of civilian administration. Military personnel are trained within a command-oriented and hierarchical structure, whereas civilian institutions generally operate through more participatory approaches that emphasize the protection of citizens' rights. These concerns are not without historical foundation. During the New Order era, military involvement in civilian governance was frequently associated with repressive measures that did not adequately prioritize human rights considerations. Historical experience demonstrates the potential risks associated with excessive military influence in civilian affairs.

One of the principal objectives of the Reform Era was to restore military professionalism by removing the military from political and civilian spheres of authority. This transformation sought to prevent the recurrence of human rights violations associated with the New Order period. Expanded military involvement in civilian institutions may increase the likelihood of coercive measures, restrictions on freedom of expression, and the suppression of dissent among civil society groups and activists. In democratic states committed to the protection of human rights, such developments would undermine constitutional values and conflict with the principle of civilian supremacy (Nurliah Nurdin, 2022).

c) The Potential for Authoritarianism in Government

Authoritarianism is a form of government in which power is centralized in the hands of a single individual or a limited group that exercises control over various levels of government and state institutions while restricting political freedoms and civic participation, often with the involvement of military institutions (Rajab, 2022). The manifestation of authoritarianism during Indonesia's New Order era can be observed through the extensive placement of military personnel across governmental institutions. One notable example was the existence of the ABRI faction in the House of Representatives (DPR), whose members were not elected through democratic elections but nonetheless possessed direct access to political power. Such authoritarian practices adversely affected democratic governance by limiting political pluralism and restricting public participation in policymaking processes. Consequently, legislation and public policies often tended to favor particular groups or political interests due to the absence of an open and participatory democratic process.

Authoritarian tendencies may re-emerge when military institutions are granted excessively broad authority and influence within civilian spheres, particularly in the absence of effective oversight mechanisms. Military dominance within governmental institutions poses a substantial risk of undermining the principle of civilian supremacy, which constitutes a foundational element of democratic governance. Such circumstances may result in decision-making processes that are increasingly centralized

and less transparent, as political power becomes concentrated within a limited group or elite. As a consequence, civilian oversight of government institutions may be significantly weakened.

Furthermore, under such conditions, political opposition and criticism from civil society may be perceived as threats to state stability rather than as legitimate components of democratic discourse. This situation may ultimately hinder constitutional democracy by narrowing opportunities for public participation and limiting the capacity of citizens to engage meaningfully in governmental affairs. Therefore, the expansion of military involvement in civilian institutions raises concerns regarding the preservation of democratic accountability, transparency, and constitutional governance.

2. Disharmony Between Law Number 3 of 2025 Concerning Amendments to Law Number 34 of 2004 on the Indonesian National Armed Forces and Law Number 28 of 1999 Concerning State Administrators Who Are Free from Corruption, Collusion, and Nepotism

Indonesia is a state governed by the rule of law. As such, the formulation and enactment of all legislation must comply with the legal framework governing legislative drafting and lawmaking procedures. The mechanisms and technical requirements for legislative formation are regulated under Law Number 12 of 2011 on the Formation of Laws and Regulations, which serves as the principal guideline for the development of statutory regulations in Indonesia. Through the implementation of Law Number 12 of 2011, legislators are expected to ensure that all laws and regulations reflect the values and norms embodied in Pancasila and the 1945 Constitution of the Republic of Indonesia, thereby preventing inconsistencies and conflicts among legal norms.

In the Indonesian Dictionary (*Kamus Besar Bahasa Indonesia*), the term *harmonious* refers to a condition of compatibility or conformity. Conversely, *disharmony* denotes inconsistency, incompatibility, or a lack of coherence. In the context of legislation, legal disharmony refers to a situation in which two or more regulations govern similar subject matters but contain provisions that are inconsistent with one another or fail to conform to relevant technical legal standards (Putri et al., 2024). The existence of legislative disharmony is fundamentally inconsistent with Article 28D paragraph (1) of the 1945 Constitution, which guarantees every person the right to recognition, protection, legal certainty, and equal treatment before the law. Consequently, legislative disharmony creates legal uncertainty and undermines the effectiveness of the legal system (Dicky Eko Prasetyo, Muh Ali Masnun, 2024).

Generally, legislative disharmony may take two forms: horizontal disharmony and vertical disharmony (Dharma et al., 2025). Horizontal disharmony refers to inconsistencies between regulations of equal hierarchical status, whereas vertical disharmony refers to inconsistencies between higher-level and lower-level regulations

within the legislative hierarchy (Kartiko & Rachmansyah, 2021). The revision of the TNI Law has generated considerable debate because it is perceived as being inconsistent with the General Principles of Good Governance as stipulated in Article 3 of Law Number 28 of 1999 concerning State Administrators Who Are Free from Corruption, Collusion, and Nepotism. Furthermore, Article 5 of Law Number 12 of 2011 on the Formation of Laws and Regulations explicitly requires that legislation be drafted in accordance with the principles of sound legislative drafting.

However, Law Number 3 of 2025 concerning Amendments to Law Number 34 of 2004 on the Indonesian National Armed Forces has been criticized for potentially conflicting with several of these principles. In particular, it has been argued that the law is inconsistent with at least five of the seven core principles of good governance, namely: the principle of legal certainty, the principle of orderly state administration, the principle of public interest, the principle of professionalism, and the principle of accountability (Fakhrurrahman, 2023).

a) The Principle of Legal Certainty

As affirmed in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, Indonesia is a state governed by the rule of law. Consequently, all aspects of governance, society, national life, and state administration must be conducted in accordance with legal norms. Within a constitutional state, law occupies the highest position in regulating governmental authority, ensuring that the exercise of state power does not deviate from applicable legal provisions (Anisyaniawati, A., Fauzan naufal kusuma, Haifa zanati, 2025).

The principle of legal certainty is also expressly recognized in Law Number 28 of 1999 concerning State Administrators Who Are Free from Corruption, Collusion, and Nepotism, which defines legal certainty as a principle requiring state administration to be grounded in statutory regulations, propriety, and justice in every policy adopted by state officials.

In this regard, the amendments introduced through Law Number 3 of 2025 concerning Amendments to Law Number 34 of 2004 on the Indonesian National Armed Forces indicate the existence of legal disharmony, particularly in Article 47 paragraph (3). This provision stipulates that “TNI personnel may occupy certain civilian positions upon the request of the leadership of a ministry or governmental institution.” The wording of this provision is susceptible to multiple interpretations, thereby creating legal ambiguity and uncertainty. Such ambiguity is inconsistent with the principle of legal certainty, which requires legal norms to be formulated clearly and unambiguously.

b) The Principle of Orderly State Administration

The principle of orderly state administration constitutes a fundamental principle intended to ensure order, harmony, and balance in the conduct of governmental affairs. Within the context of constitutional governance, every state

institution is required to perform its functions in accordance with democratic and constitutional principles. Accordingly, the regulation of the functions, duties, and authorities of the Indonesian National Armed Forces must remain within the framework of civilian authority and supervision in order to avoid conflicts with the principle of civilian supremacy.

c) The Principle of Public Interest

The principle of public interest requires governmental policies and legal regulations to prioritize the welfare and interests of society as a whole through approaches that are aspirational, responsive, and selective. Within democratic governance, all state actions and legislative measures should be directed toward serving the public rather than advancing the interests of particular individuals, groups, or institutions.

From this perspective, the revised TNI Law has been criticized for failing to fully reflect the principle of public interest. By permitting active-duty TNI personnel to occupy strategic civilian positions, the law may create opportunities for conflicts of interest that favor certain individuals or groups. Such concerns are particularly significant given that the military's dual function was formally abolished during the Reform Era, yet some observers argue that the revised law creates conditions that could facilitate the re-emergence of military influence within civilian governance structures.

The issue has attracted substantial public attention because a number of active-duty military personnel currently occupy civilian positions that some critics perceive as appointments motivated by political considerations rather than objective institutional needs. This perception raises concerns regarding whether the appointments genuinely serve the public interest or instead advance the interests of particular political actors (Huntington, 2024).

In democratic systems, military institutions are expected to function exclusively as instruments of national defense operating under civilian authority. When active-duty military personnel occupy civilian offices, the distinction between civilian and military authority becomes increasingly blurred. Such circumstances may influence public policymaking through command-oriented institutional approaches rather than participatory democratic processes. Yet, within a democratic constitutional framework, public policy should primarily reflect the interests and aspirations of citizens as the ultimate holders of sovereignty. Moreover, the revised TNI Law may contribute to declining public confidence in the neutrality of state institutions. The appointment of military personnel to civilian offices may generate perceptions of military intervention in bureaucratic and political affairs. Such conditions may be interpreted as reflecting governance that is influenced by specific political or elite interests rather than being genuinely oriented toward the broader public interest.

d) The Principle of Professionalism

The principle of professionalism emphasizes the importance of expertise, competence, and ethical conduct in carrying out public duties in accordance with applicable laws and professional standards. Under this principle, public offices should be occupied by individuals possessing the qualifications, skills, and experience necessary to perform their respective responsibilities effectively.

The involvement of active-duty TNI personnel in civilian positions has generated considerable debate regarding professional standards and institutional roles. One of the primary concerns is the question of which legal and institutional framework should govern an individual who simultaneously serves as both a military officer and a civilian official. Military professionalism is traditionally founded upon principles of political neutrality, hierarchical command structures, and national defense responsibilities. The revised TNI Law, however, permits certain military personnel to hold civilian positions without first resigning from active military service.

The principle of professionalism requires that governmental institutions be staffed by individuals whose qualifications correspond to the responsibilities they undertake. Such alignment is necessary to ensure effective, efficient, and professional public administration. Therefore, based on the foregoing considerations, the revised TNI Law has been criticized as being inconsistent with the principle of professionalism.

e) The Principle of Accountability

The principle of accountability requires that every action, decision, and outcome of governmental administration be capable of being justified before the public as the ultimate holder of sovereignty. Accountability must be exercised in accordance with applicable laws and regulations and constitutes a central component of democratic governance.

In practice, the accountability of Law Number 3 of 2025 concerning Amendments to Law Number 34 of 2004 on the Indonesian National Armed Forces has been questioned from several perspectives. From an administrative standpoint, the existence of dual roles performed by military personnel may create ambiguity within command structures and oversight mechanisms. From a public accountability perspective, concerns have been raised regarding the transparency of the processes used to appoint military personnel to civilian offices. As citizens are the ultimate holders of sovereignty, they possess a legitimate right to access information concerning appointment procedures, performance evaluations, and governmental decision-making processes.

Accountability is also closely linked to effective oversight mechanisms and legal certainty regarding the exercise of institutional authority. The expansion of military participation in strategic civilian positions may create overlapping jurisdictions

between civilian and military institutions. Such overlap may complicate efforts to determine responsibility and impose legal accountability in cases involving abuses of power or misconduct.

The principle of accountability requires democratic oversight of all state institutions, including military institutions. With respect to supervision, reporting mechanisms, evaluation procedures, and public transparency, the revised TNI Law has been criticized for failing to provide comprehensive guarantees capable of ensuring effective accountability and legal certainty. These considerations have led to the conclusion that Law Number 3 of 2025 concerning Amendments to Law Number 34 of 2004 on the Indonesian National Armed Forces remains inconsistent with the principle of accountability.

CONCLUSION

Indonesia is a constitutional state founded upon the principle of the rule of law, which places civilian authorities as the highest holders of governmental power. The principle of civilian supremacy requires that all institutions, including the military, remain subordinate to civilian authority and democratic oversight. Nevertheless, the provisions concerning the appointment of active-duty TNI personnel to civilian positions under Law Number 3 of 2025 concerning Amendments to Law Number 34 of 2004 on the Indonesian National Armed Forces are considered inconsistent with the principle of civilian supremacy. This inconsistency is particularly evident in Article 47 paragraph (3), which contains provisions susceptible to multiple interpretations and consequently creates legal ambiguity. The rationale underlying the expansion of opportunities for active-duty military personnel to occupy strategic civilian positions has also generated significant public concern. Political interests may constitute one of the principal motivations behind the revision of the TNI Law. Furthermore, the regulation of concurrent military and civilian positions has the potential to revive aspects of the military's former dual-function role within civilian governance. The increasing presence of military personnel in civilian institutions also raises concerns regarding potential interference with democratic processes and the possible erosion of human rights protections.

In addition, the revised Law Number 3 of 2025 concerning Amendments to Law Number 34 of 2004 on the Indonesian National Armed Forces is considered inconsistent with the General Principles of Good Governance as set forth in Article 3 of Law Number 28 of 1999 concerning State Administrators Who Are Free from Corruption, Collusion, and Nepotism. This form of horizontal legal disharmony is reflected in the failure of the revised law to adequately satisfy several fundamental principles of good governance, including the principles of legal certainty, orderly state administration, public interest, professionalism, and accountability. Such substantive inconsistencies between Law Number 3 of 2025 and Law Number 28 of 1999 have

the potential to disrupt the structure of civilian bureaucracy and diminish public confidence in the professionalism, neutrality, and integrity of civilian governmental institutions.

Based on the findings and analysis presented in this study, the author recommends that legislative institutions undertake a comprehensive evaluation and revision of Law Number 3 of 2025 concerning Amendments to Law Number 34 of 2004 on the Indonesian National Armed Forces, particularly with regard to the provisions governing the appointment of active-duty military personnel to civilian positions. Legislative reform should be carried out in strict accordance with constitutional principles, legal norms, and democratic values while also being subject to effective judicial oversight. Such measures are necessary to prevent overlapping institutional authorities, reduce the risk of abuses of power, and ensure legal certainty within a democratic system that upholds the protection of human rights and the rule of law.

The author further recommends that the revised TNI Law be harmonized with other relevant legislation, particularly Law Number 28 of 1999 concerning State Administrators Who Are Free from Corruption, Collusion, and Nepotism, in order to eliminate legal inconsistencies and promote coherence within Indonesia's legal framework. Moreover, the Government should prioritize the implementation of a merit-based system in the appointment of civilian officials, ensuring that appointments are founded upon professionalism, competence, and accountability rather than political considerations. Finally, civil society should continue to actively monitor both governmental policies and their implementation to ensure continued adherence to the principle of civilian supremacy. Such oversight is essential to preserving democratic governance, maintaining institutional balance, and fostering a harmonious constitutional order.

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