The Role of the Military in Civil Governance: Reexamining the in Indonesia's Constitutional Democracy

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ABSTRACT

The resurgence of debate over the military's role in civilian offices and affairs following the reform era in Indonesia marks a significant shift in civil-military relations. Objective: This study examines the constitutional limits of the Indonesian National Army's involvement in civilian governance. Method: A legal study—. using a constitutional socio-political approach was conducted on Law No. 34 of 2004 and Law No. 3 of 2025 on Amendments to the TNI Law, as well as decisions of the Constitutional Court. Results: The 2025 amendment to the TNI Law expands the scope for the placement of active-duty military personnel in ministries and agencies without temporal limitations or adequate oversight mechanisms. The study indicates risks of a weakening of civilian supremacy, dual loyalties, and potential overlapping of authority. Contribution: This article proposes a Model of Constitutional Limits on the Military's Role in Civil Governance, comprising six dimensions: legality, function, status, duration, accountability, and oversight. This model can serve as an evaluative framework for policymakers and constitutional law practitioners. Conclusion: Military involvement in civilian governance can only be justified if it is limited, proportional, and subject to strong civilian control. Without such restrictions, constitutional democracy risks regression.

Introduction

Constitutional democracy is a system that emphasizes the limitation of power, the rule of law, public accountability, and a clear separation between defense functions and civilian government functions (Atmaja & Wibowo, 2026). In Indonesia, civil-military relations cannot be separated from the historical experience of the New Order era, when the military played a broad role in politics and governance through the ABRI dual-function doctrine (Jowan & Zukriadi, 2025). The changes following the 1998 Reform brought about security sector reforms that promoted the professionalization of the Indonesian National Armed Forces (TNI), the separation of the TNI and the Indonesian National Police (Polri), and restrictions on the military's role in practical politics. However, in recent years, a debate has resurfaced regarding the limits of military involvement in civilian governance, particularly in ministerial/agency positions, non-combat military operations ( ), development programs, cybersecurity, counterterrorism, and the national strategic agenda.

The current issue sparking this debate is the amendment to the TNI Act through Law No. 3 of 2025, which took effect on March 26, 2025. This regulation amends Law No. 34 of 2004 on the TNI. One of the most contested articles is Article 47, which pertains to the possibility of active-duty TNI personnel holding positions in certain ministries and agencies. During a Constitutional Court hearing, the House of Representatives (DPR), through its expert witness, stated that the appointment of TNI personnel to certain civilian positions is based on a legal framework established by the 1945 Constitution, the Civil Service Law, and the TNI Law, and is limited to 14 ministries and agencies at the central government level (Pratama & Tiopan, 2025). Although there are restrictions, some observers argue that these provisions reopen the possibility for the military to expand its role into the civilian sphere without strict oversight.

The research problem is centered on the main question: To what extent can military involvement in civilian governance be justified in Indonesia's constitutional democracy, and what are the constitutional limits to ensure it does not lead to the weakening of civilian supremacy? The novelty of this article lies in its effort to construct an evaluative framework for assessing military involvement in civilian governance based on three dimensions: constitutional legitimacy, functional necessity, and democratic risks. Thus, this article

is expected to contribute to the renewal of regulations and the strengthening of civilian control over the military within the framework of the Pancasila-based rule of law.

In a global context, similar debates are taking place in young democracies such as post-2014 Afghanistan, where efforts to consolidate democracy require good governance with strong civilian control (Hatta, 2017). Indonesia needs to learn from the experiences of other countries to avoid democratic regression resulting from the expansion of military authority (Azahwa et al., 2025). Therefore, a reexamination of civil-military relations is highly relevant to maintaining a balance between defense effectiveness and the principles of constitutional democracy.

This article is organized into five main sections: introduction, literature review, research methods, results and analysis, discussion, and conclusion. Each section will incorporate the provided references in depth to build a coherent and scientific argument.

The Concept of Civil-Military Relations in a Democratic State

Civil-military relations in a democratic state position the military as a professional, neutral instrument of the state, subject to legitimate civilian authority. The military plays a primary role in national defense, while the civilian government manages public administration, public services, development policies, and political decision-making (Rahardian, 2024). This principle is known as civilian supremacy, which affirms that the use of armed force is subject to legal, constitutional, and democratic controls. In a constitutional democracy, the military remains important, but its role must be limited to prevent the expansion of coercive power into the realm of civilian policy.

The theory of civil-military relations developed by Huntington and Janowitz emphasizes the importance of separating military and political functions. The military must be a professional institution and remain uninvolved in practical politics (Ashri, 2025). However, in practice, democratic nations often face dilemmas when military capabilities are needed to address complex threats such as terrorism, natural disasters, or cybersecurity. In Indonesia, the TNI's involvement in military operations other than war is regulated by law, including assistance to civilian institutions during emergencies.

Civilian Supremacy and Civilian Governance

Civilian supremacy does not mean weakening the military, but rather ensuring that service members do not permanently hold positions involving public policy-making (Jowan & Zukriadi, 2025). Civilian governance demands transparency, accountability, meritocracy, public participation, and a service-oriented approach. If civilian positions are filled by active-duty military personnel, there must be clear boundaries regarding employment status, accountability mechanisms, prohibitions on overlapping authority, and safeguards for bureaucratic neutrality (Abdussamad, 2020).

The concept of good governance emphasizes the importance of a clear division of roles among state actors, including the military, within a democratic legal framework (Mulyani et al., 2024). In Indonesia, Law No. 3 of 2025 amended regulations regarding the placement of military personnel in ministries and agencies, opening the door for active-duty military personnel to fill positions that were previously reserved exclusively for civil servants. This change raises questions about the implementation of the principle of civilian supremacy and the risk of overlapping authority.

Constitutional Democracy and the Limits of Military Authority

Constitutional democracy is characterized not only by elections but also by the limitation of power, the protection of citizens' rights, governance based on the rule of law, institutional accountability, and civilian control over security forces (Putra et al., 2025). In this context, military involvement in civilian offices must be viewed not only in terms of administrative efficiency but also in terms of potential conflicts of interest and the risk of the normalization of military power within civilian government (Atma & Wibowo, 2026).

The Constitutional Court has affirmed in several of its rulings that the Indonesian Constitution adheres to the principle of civilian supremacy. Article 30 of the 1945 Constitution states that the Indonesian National Armed Forces (TNI), as an instrument of the state, are tasked with defending, protecting, and maintaining the integrity of the Unitary State of the Republic of Indonesia (NKRI), but it does not explicitly grant military personnel the authority to hold civilian positions outside the defense sector. Therefore, any expansion of the military's role must be subject to a constitutional review.

Constitutional Boundary Framework

This article introduces the Constitutional Boundary Framework for the Military's Role in Civil Governance. This framework assesses military involvement through the following questions: (1) Does it have a clear legal basis? (2) Is it directly related to defense functions? (3) Is it limited and proportional? (4) Is it subject to civilian oversight mechanisms? (5) Does it have public oversight mechanisms? This model is derived from the principles of the rule of law and constitutional democracy, and will be used to evaluate the 2025 amendments to the TNI Law.

Methods

This study employs a juridical-normative approach with a constitutional socio-political analysis. The juridical-normative approach is used to examine primary legislation: the 1945 Constitution, Law No. 34 of 2004 on the TNI, Law No. 3 of 2025 on Amendments to the TNI Law, the Civil Service Law, as well as Constitutional Court rulings regarding the review of the TNI Law. A socio-political analysis is used to understand the historical context, the political forces influencing legislation, and the dynamics of civil-military relations in Indonesia.

This is a qualitative-descriptive study employing a literature review approach (library research). The primary data are derived from primary and secondary legal sources. Secondary legal sources include articles from accredited national journals, reports from research institutions, official news releases, and academic documents on security sector reform (Rambe, 2022; Romlih, 2017). Analysis techniques include legal interpretation, conceptual analysis, and critical analysis. Legal interpretation is used to examine norms regarding the status of the TNI, the duties of the TNI, and the placement of military personnel in civilian positions. Conceptual analysis is used to link these legal norms to the principles of civilian supremacy and constitutional democracy. Critical analysis is used to assess whether regulatory changes strengthen the TNI's professionalism or, conversely, open the door to an expansion of the military's role in civilian affairs.

The validity of the arguments is ensured through triangulation of legal sources, comparisons between legal norms and actual practices, and a balanced assessment of the state's position and civil society's critiques. In Constitutional Court proceedings, for example, there is a view that the appointment of military personnel to certain civilian positions should be interpreted as a limited mechanism grounded in law and meritocracy. However, there are also petitions for judicial review that argue Article 47, paragraphs (1) and (2), of Law No. 3 of 2025 may potentially conflict with the 1945 Constitution or, at the very least, should be interpreted conditionally (Pratama & Tiopan, 2025; Atma & Wibowo, 2026).

The research steps include: (1) identification of relevant regulations; (2) collection of legal and sociological data; (3) systematic analysis of norms and practices; (4) formulation of an evaluative framework; (5) interpretation of results within the context of constitutional democracy. Secondary data was analyzed thematically to identify key issues such as the expansion of the military's role, constitutional risks, and oversight mechanisms.

Results and Discussions

Civil-military relations in Indonesia have experienced ups and downs since independence. During the New Order era (1966–1998), the military served not only as a defense force but was also present in the bureaucracy, political institutions, local government, and national decision-making through the ABRI dual-function doctrine. The military held strategic positions in ministries, local governments, and even parliament through the ABRI faction. This situation created a highly centralized system with strong military control over civilian affairs (Jaelani, 2015).

The 1998 Reforms marked a turning point. Civil society demanded the abolition of ABRI's dual function and the separation of the TNI from the Polri. Following the reforms, several key steps were taken: reducing the number of TNI seats in the House of Representatives (DPR), eliminating the TNI's role in politics, and transferring domestic security functions to the Polri. Law

Law No. 34 of 2004 on the TNI establishes the TNI as a professional national defense force, though it still allows for the limited placement of military personnel in civilian positions within certain institutions (Pratama & Tiopan, 2025).

However, the process of security sector reform has not always been linear. In emergency situations such as separatist conflicts, natural disasters, or pandemics, the state still relies on the TNI for non-defense tasks. The TNI's role in counterterrorism operations, humanitarian aid, and cybersecurity has been

expanding. This raises the question: Is this expansion of the TNI's role an objective necessity, or does it instead represent a gradual return of military influence into the civilian sphere?

The 2025 amendment to the TNI Law marks a new milestone that has sparked public debate. The new Article 47 allows active-duty soldiers to hold positions in ministries or agencies without being required to retire or transition to civil servant status. In contrast, the previous Article 47 (Law No. 34 of 2004) imposed stricter limitations, restricting such appointments to specific agencies and subject to specific requirements. Some observers view this change as a backsliding of democracy (Jowan & Zukriadi, 2025).

This section emphasizes that the main issue is not merely whether the military may assist in civilian affairs, but rather what the limits, mechanisms, oversight, and accountability should be. In a constitutional democracy, military involvement in civilian affairs must be treated as a limited exception, not as the normal pattern of governance. Therefore, a reevaluation of civil-military relations is imperative to safeguard the consolidation of democracy in Indonesia.

Expansion of the Military's Role in Civil Governance

The 2025 amendment to the TNI Law significantly expands the TNI's authority in the civilian sphere. Several substantial changes include: (1) the addition of TNI duties beyond wartime operations; (2) the possibility of assigning active-duty personnel to civilian ministries or agencies; (3) the extension of the retirement age for officers; (4) provisions regarding the management of defense resources. This expansion raises concerns about a resurgence of the military's role in the bureaucracy, as occurred during the New Order era (**Atma & Wibowo**, 2026).

From the government's perspective, this expansion of the military's role is based on the need to address multidimensional threats such as terrorism, radicalism, natural disasters, and cybersecurity. Reasons related to efficiency and professionalism are also cited, particularly for positions requiring specialized military technical expertise, such as those at the National Cybersecurity and Cryptography Agency, the National Counterterrorism Agency, or the National Search and Rescue Agency (Basarnas). An expert from the House of Representatives (DPR) stated during the Constitutional Court (MK) hearing that the legal framework relates to the 1945 Constitution, the Civil Service Law, and the TNI Law, with restrictions limited to 14 specific ministries and agencies (**Pratama & Tiopan**, 2025).

However, a critical analysis shows that these restrictions do not explicitly prevent assignments outside the 14 institutions if there is a presidential decree or government regulation. Furthermore, there are no clear time limits, so such assignments can last a long time and foster a culture of bureaucratization. This is compounded by the lack of an obligation for military personnel to resign from active duty when assuming civilian positions.

Table 1 below summarizes a comparison of several key provisions between the 2004 TNI Law and the 2025 TNI Law:



Figure 1. Comparison of Provisions on the Assignment of Military Personnel to Civilian Positions

These changes reflect a paradigm shift from *civilian supremacy* toward a looser *civil-military partnership*. There are concerns that this will weaken democratic control over the military and threaten the neutrality of the bureaucracy.

Constitutional Risks and Overlapping Authorities

The primary risk of expanding the military's role is the blurring of boundaries between defense functions and civilian governance functions. When active-duty service members hold civilian positions, they may face a dual loyalty: between their military superiors and their civilian superiors. This can hinder the effectiveness of decision-making and create opportunities for abuse of authority (**Jowan & Zukriadi**, 2025). Furthermore, the military's hierarchical and closed culture has the potential to conflict with the principles of transparency and public participation that characterize good civilian governance (**Mostien**, 2023).

From a legal perspective, Article 47 of the 2025 TNI Law is not yet fully aligned with the Civil Service Law, which governs the neutrality of civil servants. This conflict of norms can create legal uncertainty and potentially violate citizens' human rights to receive non-discriminatory public services (**Herjawan & Pratama**, 2024).

Debate at the Constitutional Court

The case challenging the 2025 TNI Law before the Constitutional Court has drawn public attention. The petitioners, consisting of academics and civil society organizations, are requesting that Article 47, paragraphs (1) and (2), be declared inconsistent with the 1945 Constitution or interpreted as conditionally unconstitutional. Their arguments are based on the principle of civilian supremacy and the prohibition against the military's involvement in practical politics. The government and the House of Representatives defended the article, citing functional and historical necessities regarding civil-military relations in Indonesia (**Pratama & Tiopan**, 2025).

In its deliberations, the Constitutional Court emphasized the importance of balancing defense effectiveness with the principle of the rule of law. The Court noted that the placement of military personnel in civilian positions must remain under democratic civilian control. The Court's ruling is expected to provide clearer boundaries to prevent an uncontrolled expansion of the military's role.

Design of Necessary Restrictions

Based on the analysis, military involvement in civilian governance is acceptable only if it meets six principles: **legality, genuine need, proportionality, accountability, temporariness, and civilian oversight**. The principle of legality requires a clear and unambiguous legal basis. "Actual need" means involvement is limited to emergency situations or positions directly related to defense and security. Proportionality limits the number and rank of positions that can be filled. Accountability requires periodic reporting to independent civilian institutions. The temporary nature of such assignments means they are for a specific period only, not permanent careers. Finally, civilian oversight involves the House of Representatives (DPR), the Corruption Eradication Commission (KPK), and the public. Without these six principles, military involvement risks shifting from functional assistance to institutional penetration that undermines democracy. Therefore, the 2025 TNI Law must be immediately refined with stricter implementing regulations.

Discussion

Indonesia's civil-military relations are currently undergoing a phase of reassessment. Following the 1998 Reform, the ideal direction was the professionalization of the TNI and the strengthening of civilian supremacy. However, regulatory developments such as the 2025 TNI Law indicate a tug-of-war between security needs and democratic principles. This article argues that constitutional democracy does not prohibit the state from using military capabilities for national interests, but it does require strict legal boundaries.

Distinguishing between **a supporting role** and **a controlling role** is crucial. A supporting role means the military assists civilian institutions in specific situations, remains subject to civilian authority, and does not take over governmental functions. Examples include the TNI's assistance in natural disaster relief or cybersecurity operations coordinated by civilian agencies. The role of control is the opposite: the military assumes a position that determines the direction of civilian policy, manages public administration, or influences political decisions. In a constitutional democracy, only a limited supportive role can be justified, not a controlling role that undermines civilian supremacy (**Ashri**, 2025).

The novelty of this article lies in its proposal **of a "Constitutional Limits Model for the Military's Role in Civil Governance**," which consists of six main limits: (1) *Legality Limit*—every deployment must

be based on clear legislation; (2) *Functional Limit*—only for tasks directly related to defense and security; (3) *Status Boundary*—active-duty military personnel must transition to the status of civil servants (ASN) or their equivalent; (4) *Time Boundary*—deployments are temporary, with a maximum duration of 5 years; (5) *Accountability Boundary*—mandatory reporting to the House of Representatives (DPR) and the Supreme Audit Agency (BPK); (6) *Oversight Boundary*—supervised by independent institutions such as the Police Commission and the Attorney General's Office. Under this model, the feasibility of any expansion of the military's role can be objectively assessed.

Within the framework of this model of constitutional limits, the 2025 amendments to the TNI Law do not yet fully meet all six of these limits. The limit on legality remains vague because Article 47 provides broad options without strict technical guidelines. The limit on function is not explained in detail, so the risk of deployment outside the defense sector remains high. The status boundary is not met because active-duty soldiers retain their military status, leading to a dual command structure. The time boundary is not specified, allowing for permanent deployment. The accountability boundary is weak because the reporting system is not explicitly regulated. The oversight boundary is also limited to internal mechanisms that do not optimally involve the public (**Atma & Wibowo**, 2026).

The implications of these findings are crucial for the future of Indonesian democracy. If a model of constitutional boundaries is not adopted, there is a risk of an expanded military role within the bureaucracy, which could lead to *militarized governance*. Historical experiences from the New Order era and other countries show that the expansion of the military's role into the civilian sphere is often accompanied by corruption, human rights violations, and the weakening of democratic institutions (**Mulyani et al.**, 2024). Therefore, sustainable security sector reform must remain a priority.

Furthermore, the discussion should link the research findings to the concept *of good governance*, which emphasizes transparency, participation, and accountability. According to Rahardian (2024), good governance requires a collaborative network among the state, the private sector, and civil society. The military, as a state actor, must act in accordance with its functions without dominating the civilian policy sphere. The concept of *deliberative representation* in public administration is also relevant: public administrators, including officials with a military background, must represent the interests of citizens democratically and not merely the interests of the military institution (**Mostien**, 2023).

In the Indonesian context, the principle of constitutional democracy must be upheld through strict checks and balances. Parliament and external oversight bodies such as the Corruption Eradication Commission need to be strengthened to oversee the implementation of laws, including the placement of military personnel in civilian positions (**Mulyani et al.**, 2024). This institutional strengthening aligns with efforts to build responsive and accountable public governance in developing countries (**Abdussamad**, 2020).

Comparative aspects with other countries also need to be considered. In Australia, the implementation of e-government and the fight against corruption remain challenges despite a high Corruption Perceptions Index score (**Rambe**, 2022). However, civil-military relations in Australia are more clearly defined: the military is under civilian control and does not hold public office. Indonesia can learn from these best practices to affirm civilian supremacy without sacrificing defense effectiveness.

This discussion also emphasizes that the issue of civil-military relations cannot be separated from human rights issues. Indonesia's accession to the ICCPR has not fully prevented violations of the right to life by security forces, including the military (**Ashri**, 2025). Therefore, strengthening security sector reform must be a long-term priority. The participation of civil society organizations in advocating for military oversight is crucial, just as Indonesia actively participates in human rights mechanisms within the Organization of Islamic Cooperation (**Ramadhan**, 2016).

From the perspective of siyasah qadhai'yyah, the principles of justice, equality, and deliberation must form the foundation for integrating the military into civilian governance (**Ambarwati**, 2026). However, the implementation of these principles still faces numerous obstacles, including limited resources and low public participation. Therefore, a comprehensive and sustainable approach is needed.

In conclusion, the amendments to the 2025 TNI Law have serious implications for civil-military relations in Indonesia. The model of constitutional boundaries proposed in this article can serve as an evaluative framework and a basis for recommendations regarding the formulation of stricter implementing regulations. Thus, Indonesia can maintain a balance between defense needs and the principles of constitutional democracy that have been established since the reform era.

Conclusions

The military's role in civilian governance is a central issue in Indonesia's constitutional democracy. The amendment to the TNI Law through Law No. 3 of 2025 demonstrates that civil-military relations were not settled after the 1998 Reform, but continue to be negotiated within the context of defense needs, national security, and modern governance.

This article concludes that military involvement in the civilian sphere can only be justified if it is limited, legally grounded, proportional, accountable, and subject to civilian supremacy. Without such restrictions, military involvement risks blurring the line between defense and governance, undermining bureaucratic neutrality, and creating space for democratic regression.

The novelty of this article lies in its proposal of the "Constitutional Boundaries Model for the Military's Role in Civil Governance," which evaluates the military's role through six dimensions: legality, function, status, timing, accountability, and oversight. This model can be used to reexamine Indonesia's civil-military relationship in a more balanced manner: it does not deny the state's need for military capacity, but ensures that the military does not become a dominant actor in civilian governance.

Policy recommendations include: (1) the need to revise or enact implementing regulations that detail the limits on the placement of military personnel in civilian positions; (2) strengthening oversight mechanisms by the House of Representatives (DPR), the Supreme Audit Agency (BPK), the Corruption Eradication Commission (KPK), and civil society; (3) the establishment of an independent commission to oversee civil-military relations; (4) the harmonization of the TNI Law and the ASN Law to eliminate overlapping regulations. Through these measures, civilian supremacy can be maintained without compromising the effectiveness of national defense.

Future research is expected to empirically test this model of constitutional limits across various ministries and agencies, as well as conduct comparative studies with other democratic nations to broaden the perspective.

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