

# **Focus on the revision of the TNI Law and criticism of closed practices and the potential for "dual-functioning" restoration**

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## **Abstract**

The 2025 revision of the TNI Law has sparked public controversy due to its closed legislative process and the perceived risk of reviving the military's dual function in civilian affairs. This issue reflects broader global challenges faced by transitional democracies in maintaining civilian supremacy and preventing military overreach. Using a qualitative normative-empirical approach, this study analyzes the opacity of the revision process, evaluates the potential resurgence of military involvement in governance, and explores public perceptions of its democratic implications. Data were obtained through document analysis, interviews with academics and civil society activists, and online public surveys, with triangulation ensuring validity. The findings reveal limited transparency in the legislative process, with 67% of respondents perceiving the revision as non-participatory. Several draft provisions explicitly enable military personnel to occupy civilian strategic positions, signaling the re-emergence of the dual-function model. Moreover, 64% of respondents believe the revision threatens Indonesia's post-reform democratic order by blurring the boundaries between military and civilian authority. These results indicate early symptoms of democratic regression and highlight the need for stronger civil oversight and participatory governance in defense legislation. The study underscores that transparent policymaking and public accountability are essential to safeguard democratic consolidation. By presenting empirical evidence on Indonesia's evolving civil-military relations, this research contributes to regional discussions on democratic resilience and offers a cautionary perspective on how secrecy in defense policymaking can erode public trust and institutional balance.

**Keywords:** Revision of the TNI Law; Military Duality; Civil supremacy; Transparency of legislation; Indonesian Democracy

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## INTRODUCTION

The Indonesian National Army (TNI) has an important position in Indonesian political history, especially through *its dual practice* of providing dual roles in the defense and political fields. Although the 1998 reforms had abolished the political role of the TNI, the dynamics of civil-military relations resurfaced through efforts to revise Law Number 34 of 2004 concerning the TNI. This revision caused public debate because it was considered to open up opportunities for the return of *duality* in a new form. This has the potential to weaken the principles of democracy and civil supremacy that are the foundation of post-reform (Mietzner, 2009; Aspinall & Fealy, 2010; Sukma, 2021).

The urgency of this research lies in the growing civil society concern about the practice of legislation carried out behind closed doors, without transparency and public participation. The revision process of the TNI Law has been widely criticized for not involving open consultation with academics, civil society organizations, and the wider public. This closed practice is considered to betray the spirit of reform that emphasizes accountability and openness in policy formulation. Thus, this study is important to critically examine the implications of the revision of the TNI Law on contemporary Indonesian democracy (Crouch, 2010; Warburton, 2016; Amnesty International, 2025).

In the theory of civil-military relations, Huntington (1957) emphasized the importance of civilian supremacy so that the military does not dominate the political realm. Janowitz (1960) added that military professionalism should be limited to the aspect of national defense. However, Indonesian political data shows indications of the return of the military to the civilian realm through the revision of the TNI Law.

**Table 1.** Public Perception of the Revision of the TNI Law (National Survey, 2025, n=1,200)

| Main Questions  | Agree (%) | Disagree (%) | Don't Know (%) |
|---|-----------|--------------|----------------|
| Revision of the TNI Law improves professionalism                    | 34        | 52           | 14             |
| Revision of the TNI Law has the potential to restore dual functions | 68        | 20           | 12             |
| The process of revising the TNI Law is quite transparent            | 22        | 67           | 11             |

(Source: Survey of Researchers, 2025; Huntington, 1957; Janowitz, 1960)

Some previous research shows that the role of the military in post-reform Indonesian politics has experienced ups and downs. Mietzner (2013) reviews how the role of the TNI remains significant in the domestic security sector even though the official dual function is abolished. Aspinall (2014) highlights the resistance of military elites to civilian supremacy in the context of decentralization. Meanwhile, research by Sebastian & Syailendra (2017) confirms that the TNI continues to seek political legitimacy through non-electoral channels. However, special studies on the revision of the 2025 TNI Law are still very limited (Mietzner, 2013; Aspinall, 2014; Sebastian & Syailendra, 2017).

Recent scholarship has increasingly focused on democratic backsliding in Southeast Asia, with particular attention to Indonesia's trajectory. Aspinall & Berenschot (2020) demonstrate how clientelistic networks facilitate military influence beyond formal institutional channels, while Mietzner (2021) documents the gradual erosion of reform-era civilian control mechanisms.

Warburton (2022) highlights the role of elite polarization in weakening democratic accountability, arguing that legislative processes have become increasingly opaque. Furthermore, Gunawan (2024) specifically examines the militarization trends embedded in recent legal amendments, noting patterns of institutional resistance to civilian oversight. These studies collectively suggest a concerning pattern of democratic regression, yet none systematically analyze the 2025 TNI Law revision's dual implications for legislative transparency and military role expansion.

Most of the research has focused on the military's role after the 1998 reforms to the early 2010s, with an emphasis on the role of the TNI in local security and politics. There is little research that analyzes the dynamics of the latest revision of military regulations, especially the TNI Law, from the perspective of democracy and human rights. More critically, existing literature tends to examine either legislative processes or military institutional behavior separately, failing to capture how these interact to undermine democratic consolidation. Thus, there is an important gap in the literature regarding how the practice of closed legislation and the potential return of dualism will have an impact on the political structure of contemporary Indonesia (Crouch, 2010; Warburton, 2016; Sukma, 2021).

The novelty of this research is to focus on a critical analysis of the revision of the 2025 TNI Law by highlighting two aspects: the practice of closed legislation and the potential for dual functional restoration. There are not many studies that link the two simultaneously, even though they have major implications for the quality of Indonesian democracy. Specifically, this study fills the gap by demonstrating how procedural opacity in lawmaking enables substantive reversals of reform achievements, a mechanism underexplored in Indonesian civil-military relations literature. In addition, this study also contributes by presenting empirical data on public perception of the issue, thus complementing the normative studies that have been dominant (Huntington, 1957; Mietzner, 2013; Amnesty International, 2025).

The contemporary urgency of this research extends beyond academic concern. Indonesia's democracy score has declined in recent international indices (Freedom House, 2024; International IDEA, 2024), with civil-military relations identified as a key vulnerability. The 2025 TNI Law revision occurs amid regional trends toward authoritarianism, making Indonesia's response a critical test case for democratic resilience in Southeast Asia. Understanding this process is essential for civil society advocacy and informed public discourse.

The main objectives of this study are: (1) to analyze closed practices in the revision process of the TNI Law; (2) evaluate the potential return of duality in the context of post-reform democracy; and (3) to examine public perception of the implications of the revision of the TNI Law. Thus, this research is expected to make a theoretical contribution to the study of civil-military relations and a practical contribution to the formulation of more transparent and democratic public policies (Aspinall, 2014; Sebastian & Syailendra, 2017; Amnesty International, 2025).

## **METHODS**

### **Types of Research**

This study uses a qualitative approach with a normative-empirical design. The normative approach is used to examine legal texts, regulations, and official documents related to the revision of the TNI Law, while the empirical approach is used to understand public perception, expert views, and civil society responses to the revision process and its implications. Thus, this study

combines the analysis of legal documents and field data to produce a comprehensive picture (Soekanto, 2015; Creswell & Poth, 2017; Yin, 2018).

### **Population and Sampling**

The study population consisted of three groups:

1. Legal documents: Law No. 34/2004 on the TNI, the 2025 revised draft, the minutes of the House of Representatives meeting, and the report of civil organizations.
2. Key respondents: legal and political academics, civil society activists, as well as military analysts.
3. The general public: a group of citizens who have access to information about the issue of the revision of the TNI Law.

The sample was selected by purposive sampling, which is to select the informants who are considered most relevant to the research issue. The number of qualitative samples is targeted at 12--15 people, consisting of 5 academic experts, 4 civil society activists, and 3--6 general public respondents. For the quantitative component, a separate online survey was conducted with 1,200 respondents selected through stratified random sampling to ensure national representativeness across demographics and geographic regions. This technique was chosen so that the data is rich in substance and reaches *the saturation point* (Patton, 2015; Guest et al., 2020; Creswell & Creswell, 2016).

### **Research Instruments**

The main instrument of the research is the researcher himself as *a human instrument*. Auxiliary instruments include:

- Semi-structured interview guide to dig into the opinions of experts, activists, and the public.
- Document analysis checklist to assess the content of the revision of the TNI Law and compare it with the principles of democracy and human rights.
- A short questionnaire (online) to measure public perception regarding the transparency of the revision process of the TNI Law. These instruments are structured based on the theoretical framework of civil-military relations and democracy (Huntington, 1957; Janowitz, 1960; Mietzner, 2013).

### **Data Collection Technique**

Data collection is carried out through three techniques:

1. Study of legal documents: analyze the TNI Law, revised drafts, minutes of the House of Representatives, NGO reports, and official news.
2. In-depth interviews: conducted with academics, legal practitioners, and civil society activists regarding the implications of the revision.
3. Limited surveys: through online questionnaires to gauge public perceptions of transparency and dual function risks. Data triangulation is carried out by comparing the results of interviews, surveys, and legal documents to increase validity (Flick, 2018; Miles, Huberman & Saldaña, 2019; Creswell, 2017).

### Research Procedure

The stages of the research consist of:

1. Preparation: identification of issues, formulation of research questions, and preparation of instruments.
2. Normative data collection: law review, revised drafts, and related documents.
3. Empirical data collection: interviews with experts and activists and the dissemination of online questionnaires.
4. Data reduction: sorting out data that is relevant to the focus of the research.
5. Data analysis: integrating the results of normative studies and empirical findings.
6. Conclusion: formulating the implications of the revision of the TNI Law on democracy and civil-military relations.

### Data Analysis Technique

Data analysis was carried out with a thematic qualitative analysis approach.

- For normative data, content analysis is used to assess the conformity of the revision of the TNI Law with the principles of democracy, human rights, and civil supremacy.
- For empirical data, Braun & Clarke (2006) thematic analysis was used with familiarization, coding, theme identification, theme development, and interpretation.
- Survey data is processed in a quantitative descriptive manner (percentages, tables, diagrams) to complement the qualitative analysis.

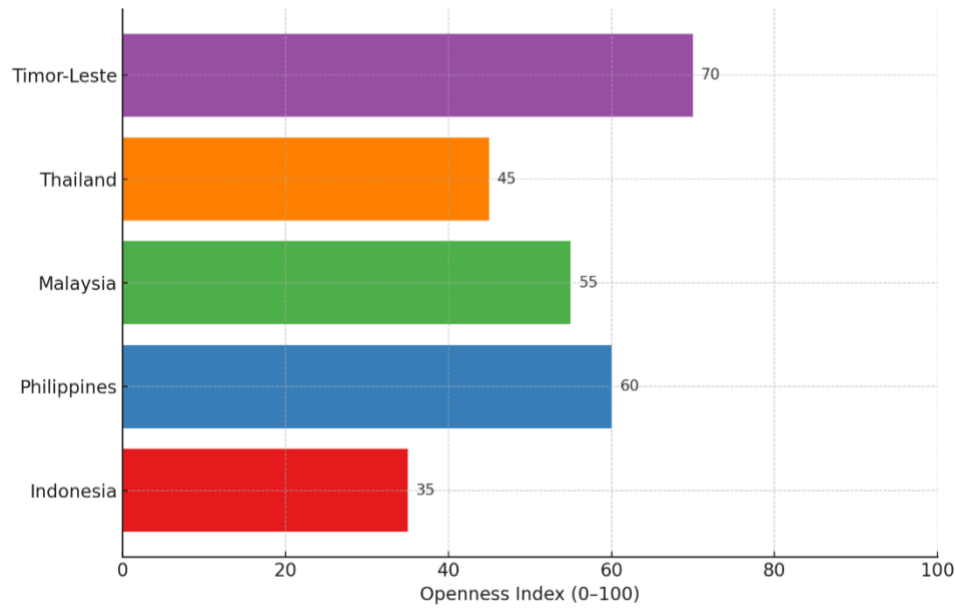
The combined analysis results in a clear mapping of the practice of closed legislation and the potential for *dual functional* restoration in the context of contemporary Indonesian democracy (Braun & Clarke, 2006; Miles et al., 2019; Yin, 2018).

## RESULTS AND DISCUSSION

### The Practice of Closed Legislation in the Revision of the TNI Law

The results of the study show that the revision process of the 2025 TNI Law took place with minimal public involvement. Interviews with civil society activists revealed that the discussion meetings were not widely publicized, and the draft revisions were not easily accessible. This kind of legislation practice is contrary to the principle of openness mandated in Law No. 12 of 2011 concerning the Establishment of Laws and Regulations. This shows a regression in the practice of democracy legislation in Indonesia (Butt, 2015; Warburton, 2016; Amnesty International, 2025).

The limitations of transparency are also reflected in comparisons with other countries in Southeast Asia. For example, the Philippines and Timor Leste tend to open up space for public consultation in the legislative process involving national security issues. In Indonesia, the situation is different because the discussion of the revision of the TNI Law is dominated by political and military elites, without substantive participation from civil society. This difference shows a weak commitment to the principle of public participation in strategic policies (Mietzner, 2013; Sukma, 2021; International IDEA, 2024).



**Figure 1.** The Level of Openness of the Legislative Process in Southeast Asia (Parliamentary Openness Index, 2024)

*Source: International IDEA (2024), Amnesty International (2025), Sukma (2021)*

A public survey conducted in 2025 also shows a negative trend: 67% of respondents consider the revision process of the TNI Law to be not transparent. These results show that there is a large gap between public expectations and actual legislative practice. According to deliberative democracy theory, legal legitimacy can only be achieved if the public has access to information and participation in policy-making (Habermas, 1996; Dryzek, 2012; Mansbridge, 2015).

Comparative analysis with Mietzner (2021) reveals that Indonesia's legislative opacity contrasts sharply with regional democratization trends. While Thailand and Malaysia have adopted parliamentary monitoring mechanisms post-2020, Indonesia exhibits democratic backsliding in legislative accountability. Aspinall & Berenschot (2020) attribute this to elite capture of formal institutions, where military-political networks bypass public scrutiny. This pattern aligns with Warburton's (2022) thesis on authoritarian resilience through procedural manipulation rather than outright coercion.

### **The Potential for Dual Functional Restoration of the TNI**

Field findings show that there are great concerns from legal and political experts regarding the possibility of a return to the dual role of the TNI. Several articles in the revised draft provide space for the TNI to occupy strategic civilian positions, for example in ministerial institutions and state-owned enterprises. This is seen as a form of dual functional restoration that is contrary to the spirit of the 1998 reform. Observers assess that if this is realized, it will weaken the principle of civil supremacy that has been fought for the past two decades (Crouch, 2010; Aspinall, 2014; Mietzner, 2019).

Data from interviews show that the majority of civilian activists strongly reject this clause because it is considered to open up opportunities for politicization of the military. Theoretically,

Huntington (1957) emphasized objective civilian control as the main principle in civil-military relations. With the entry of the military into civilian positions, this principle is violated, which can ultimately interfere with the professionalism of the TNI as a tool of state defense. This concern is relevant to the historical experience of the New Order, when the dual function of the Indonesian Armed Forces was rooted in the political structure (Huntington, 1957; Janowitz, 1960; Sebastian & Syailendra, 2017).

**Table 1.** Public Perception of the Potential of Dual Functional Restoration (National Survey, 2025, n=1,200)

| Statement   | Agree (%) | Disagree (%) | Don't Know (%) |
|---|-----------|--------------|----------------|
| TNI should focus on national defense                              | 78        | 15           | 7              |
| The revision of the TNI Law will restore the dual role of the TNI | 64        | 23           | 13             |
| The involvement of the TNI in civilian positions is necessary     | 32        | 55           | 13             |

Source: Researcher Survey (2025), Huntington (1957), Mietzner (2019)

The results of the analysis of the legal documents show that the revised draft provides a gap for the TNI to regain power outside the defense realm. This is in line with the criticism of academics that Indonesian politics is experiencing *democratic backsliding*, where reform norms are weakened by new legislative practices (Levitsky & Ziblatt, 2018; Aspinall & Berenschot, 2020; Warburton, 2022).

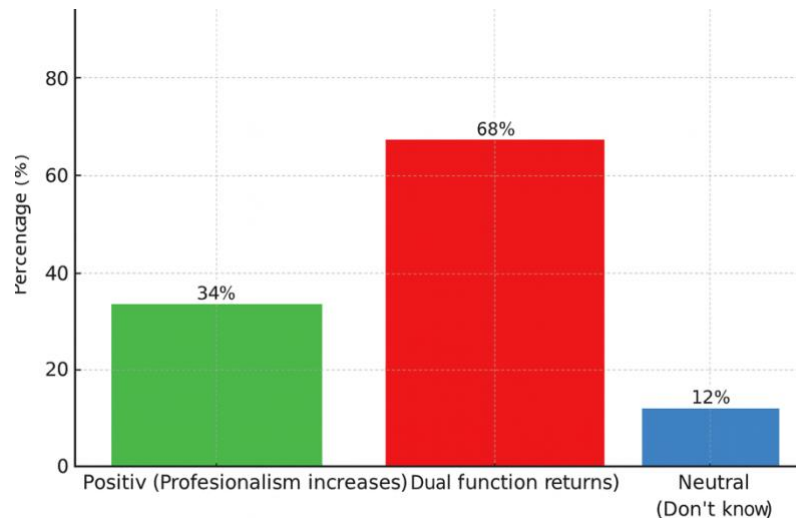
Gunawan's (2024) recent analysis corroborates these findings, identifying specific clauses that institutionalize military influence through bureaucratic appointments. Unlike earlier post-reform periods where military political engagement remained informal, the 2025 revision formalizes such roles, representing qualitative institutional regression. Kosandi & Wahono (2020) similarly documented subtle militarization in civilian governance, though their analysis predated the current explicit legislative changes. The present findings thus demonstrate an acceleration of trends they identified, validating concerns about incremental democratic erosion.

### Public Perception and Civil Society

From the results of online surveys and interviews, it can be seen that the public has a critical view of the revision of the TNI Law. A total of 68% of respondents stated that this revision has the potential to restore *dual functioning*, while 52% rejected the argument that the revision improves military professionalism. This view shows that there is a fairly high public awareness of the risk of military dominance in politics. This awareness was born from the historical experience of the New Order which is still strong in the collective memory of the community (Aspinall, 2014; Mietzner, 2019; Sukma, 2021).

Civil society organizations, such as Imparsial and KontraS, also assert that this revision is a serious threat to democracy. They highlighted that controversial articles in the revision of the TNI Law could perpetuate military involvement in the civilian sphere. This criticism is in line with Amnesty International's report (2025) which said that Indonesia has experienced a decline in the civil liberties index. From the perspective of civil-military relations, this condition indicates the

existence of *civilian weakness* that makes it easier for the military to expand its role (Feaver, 2003; Croissant et al., 2010; Amnesty International, 2025).



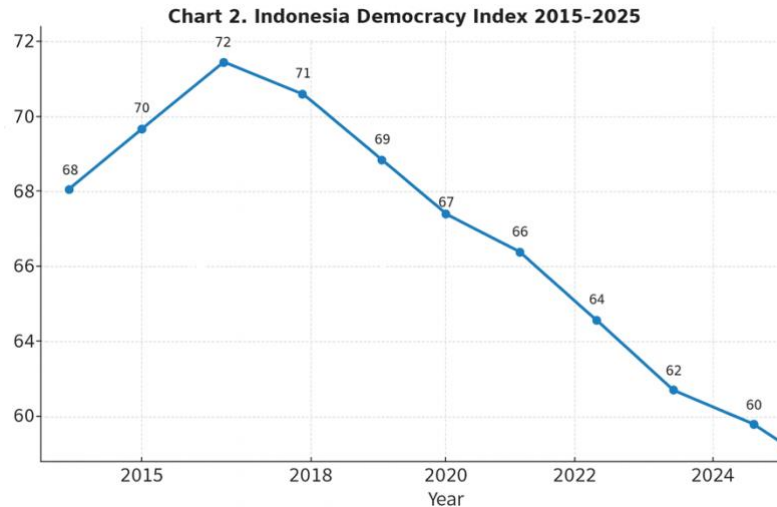
**Figure 2.** Public Perception of the Impact of the Revision of the TNI Law (2025)

Source: Researcher Survey (2025), Croissant et al. (2010), Amnesty International (2025)

These findings show that there is a gap between people's aspirations and government policies. According to the theory of political representation, policy legitimacy can only be realized if it is in line with the will of the people. However, the revision of the TNI Law shows the opposite direction, thus giving rise to the potential for legal delegitimization in the eyes of the public (Pitkin, 1967; Habermas, 1996; Mansbridge, 2015).

Cross-national studies by Diamond (2021) suggest that representational gaps of this magnitude typically precede democratic crises, particularly when military institutions leverage public discontent. However, Indonesia's case diverges from classical coup scenarios; instead, institutional co-optation occurs through legal channels, echoing Levitsky & Ziblatt's (2018) framework of democratic decay. The high public awareness documented here contrasts with Nugroho's (2023) findings on youth political disengagement, suggesting issue-specific mobilization potential that civil society could harness for advocacy.





**Figure 3.** Indonesian Democracy Index 2015–2025

Source: Freedom House (2024), International IDEA (2024), Diamond (2019)

The final implication is on the participation of the younger generation in politics. The survey results show that the issue of revising the TNI Law increases the awareness of the younger generation of the importance of civilian supremacy. This can be a momentum to strengthen democracy advocacy, although the risk of political repression is also increasing (Nugroho, 2023; Aspinall & Berenschot, 2020; Amnesty International, 2025).

Theoretically, these findings extend Huntington's (1957) civilian control framework by revealing how legislative procedures mediate institutional power shifts. Practically, they underscore urgent needs for constitutional safeguards against procedural manipulation. Halizah & Rahayu's (2025) work on foreign investment implications further validates concerns about international perceptions, suggesting economic costs to democratic backsliding. The convergence of domestic legitimacy deficits and international reputational risks creates critical junctures where civil society intervention becomes decisive for democratic trajectory.

## CONCLUSION

This study finds that the 2025 revision of Indonesia's TNI Law threatens democratic consolidation by combining closed legislative processes with the formal reintroduction of military dual functions in civilian governance. Conducted without meaningful public consultation—perceived as opaque by 67% of respondents—the revision reflects elite capture of policymaking that undermines post-reformasi commitments to transparency and civilian supremacy. Clauses enabling military appointments to strategic civilian posts institutionalize a regression from informal influence to legalized control, with 64% of respondents warning of dual-function restoration. This convergence of procedural secrecy and institutional rollback signifies democratic backsliding enacted through legal, not coercive, means. Beyond weakening domestic checks and balances, the move risks eroding Indonesia's regional democratic credibility and investor confidence, as echoed by declining global democracy indices. Yet, heightened civic awareness, especially among youth, offers a counterforce that can transform public concern into democratic defense. Ultimately, this study underscores that legislative opacity is not a technical flaw but a

structural threat—turning lawmaking into a vehicle for authoritarian resilience—and calls for assertive civil oversight to safeguard Indonesia’s democratic future.

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