

**THE CIVIL SUPREMACY PARADIGM:
A BLUEPRINT FOR
REFORMING THE POSITION AND ROLE
OF THE MILITARY
ON THE ROAD TO DEMOCRACY IN INDONESIA**

**Written by Lecturers in the
Faculties of the Social and Political Sciences of the
University of Indonesia and Gadjah Mada University**

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Introduction

Reforming civil-military relations is absolutely an important part of the process of democratization in Indonesia. For more than a year, the public discourse on this issue has been focused on TNI's "New Paradigm." The following blueprint is intended to expand this discourse, and particularly to provide input from civilians. In this regard, in Jakarta on September 21-22, the Department of Political Science of the University of Indonesia (UI) hosted a workshop on "Restructuring Civil-Military Relations in Indonesia."

The objectives of the workshop were, among others: to create a model for civil-military relations in support of the establishment of a democratic political system; to develop a realistic method for decreasing the role of the military in politics according to the principles of democracy and civil supremacy; and to write and publicize a blueprint on restructuring civil-military relations in Indonesia.

During the two-day workshop, ideas were generated by a team of Indonesian experts on military matters, such as Ikrar Nusa Bhakti (LIPI), Indria Samego (LIPI), Marsillam Simanjuntak (private consultant), Bondan Gunawan (Chair, Working Group, Forum for Democracy), Djoko Suryo (UGM), Arbi Sanit (UI), Irwansyah Hasibuan (Executive Director, Muslim Institute, Medan), Syamsuddin Haris (LIPI), Purnama Kusumaningrat (Editor-in-Chief, *Pilar Magazine*), Syamsul Kahar (Editor-in-Chief, *Serambi Indonesia*, Aceh), and Salim Said (private consultant). This team of experts provided input to the steering committee/drafting team, which consisted of F. Iriani Sophiaan Yudoyoko (UI), Budiarto Shambazy (UI/*Kompas*), Mahrus Irsyam (UI), and Rizal Panggabean (UGM). This steering committee/drafting team is entirely responsible for the substance of the blueprint.

The draft blueprint was presented at seminars held simultaneously at the University of Indonesia and Gadjah Mada University on October 4, 1999, in order to receive input for revising it. Based on this input, the drafting team then revised the results of the workshop to become this final version of the blueprint, which is to be presented to the MPR and the public through the mass media.

Overall this blueprint represents a phased strategy based on an ideal vision of the future, without ignoring current realities. Therefore, the blueprint is divided into three sections, namely: Statement of the Problem, Vision of the Future, and Steps to Realize this Vision. First, the section Statement of the Problem contains a normative evaluation of the history and

contemporary status of civil-military relations in Indonesia, as a basis for developing a vision of the future. Second, the section Vision of the Future describes an ideal picture of civil-military relations, in accordance with universal democratic values. Third, the section on Steps to Realize this Vision contains concrete recommendations as to how the future vision can be realized within 10 years, considering present conditions.

Statement of the Problem

In the past, especially in the New Order era, the military's role went beyond its specific role in security and defense matters. Normally, the involvement of the military in politics is called "intervention." However, the role of the military in Indonesia has been so widespread that the term "intervention" seems too simple and does not reflect the true scale and scope of the intensity of the role. On the other hand, during both the New and Old Order eras, Indonesian politicians had the tendency to use the military for political purposes. The democratization process is therefore expected to improve the relationship between civilians and the military from both sides. In other words, civil supremacy must be established, but civilians must also be willing to avoid using the military to further their political interests.

One of the non-defense roles played by the military is its social-political role. The numerous military officers holding government and political posts (*kekaryaan*) exemplifies the very obvious political role of the military. Military officers, including those who are still active, hold posts starting from village chief, sub-district head, regent, mayor, governor, all the way up to minister. In addition, military officers also hold positions that are supposed to be held by civilian bureaucrats, such as heading local government offices, inspector general, director general, through secretary general.

Military officers have also been allocated legislative seats in the DPR as well as DPRD's; these seats were not obtained through a competitive election. The number of seats in the DPR allocated to the military was once 100 seats, subsequently declined to 75, and is now 38. Whatever the number, this allocation of seats to the military disregards the democratic norm that all legislative seats must be won through elections.

Moreover, the military also plays an important role in the economy, through control of state-owned companies (*BUMN*) and cooperatives. Political, youth and cultural organizations are also open to the military. The parceling of civilian posts to the military, at the national as well as the regional level, seems to be going very smoothly.

All of the above practices, which are in contrast with the specialized function of the military, are justified through the exploitation of historical, ideological, and constitutional interpretation. Historically, it is claimed that the dominant role of the military is in line with the fact that TNI is a "military of the people," from and for the people. Consequently, the civil-military dichotomy is not recognized in the Indonesian political system, so that the military's occupation of civilian posts can be justified.

Ideologically, the military formulated and socialized the idea of ABRI's "dual functions" as the basis for justifying the military's control of political, social, and economic posts.

Constitutionally, under a liberal interpretation of Article 2 of the 1945 Constitution, the military is considered to be a "functional group" that is eligible to obtain legislative seats.

The dominant role of the military under the New Order has brought about various negative consequences, from the perspective of the development of a democratic political order. Not only does it foster the military's domination of the civil bureaucracy, but also the militarization of civil society, such as the establishment of Student Regiments (*Merwa*) and paramilitary institutions as part of mass organizations. In consequence, elements of civil society demonstrate militaristic culture and behavior.

Long-standing military domination, coupled with ideological and historical justification, has allowed the military to infiltrate into various aspects of the life of civil society. These negative consequences are also commonly experienced in other countries where the military plays a role that goes far beyond its specialization in defense matters.

Furthermore, TNI's political domination has pushed the nation towards disintegration. Although this is a problem throughout the country, it is most obvious in East Timor, Aceh, and Ambon. Ironically, TNI has always thought of itself as the sole unifying force in Indonesia.

Reform of the military's position and role has to begin immediately, based on the principle that the role of the military needs to be returned solely to external defense. The military is established as an agency of the state with a monopoly on the use of arms. Therefore, democratic principles and practices require the military to play its role as an instrument of the state which carries out defense policy, whereas the policy itself is made by other institutions, such as executive and legislative branches that have been formed through democratic processes.

The experiences of other countries show that if this monopoly on the use of arms fails or becomes problematic, then developments that are undesirable to both civilians and military who wish to live peacefully and democratically tend to occur. One of those developments is a military immune from legal prosecution, which occurs when the military misuses its arms monopoly but the resultant human rights violations are not fully investigated and prosecuted. The other two possibilities are civil war, which occurs when one element of society violates this monopoly and uses armed force against other elements of society, and rebellion, which occurs when an element of society violates this monopoly and uses armed force against the government. When the monopoly on arms breaks down like this, the military faces various problems, such as demoralization, internal dissension, and breakdown in the chain of command. Therefore, reforming the position and role of TNI, as part of the process of democratization in Indonesia, is for TNI's sake as well.

These phenomena have often been questioned in the past, but the rigid authoritarian system did not allow any fundamental changes to occur. In the reform era, people's voices have grown stronger, demanding reform in the position and role of the military, as part and parcel of the effort to establish democracy in Indonesia.

TNI has responded to such demands with its "New Paradigm." On the one hand, the implementation of this paradigm has brought about some positive changes, such as the severing of

TNI's historical relationship with GOLKAR and the military's neutrality in the June elections. The process of reforming the national police force (POLRI) has also begun with its separation from the military. In addition, a new policy requires active TNI officers seconded to civilian posts to choose between returning to their units and retiring from active military service in order to remain in those posts. On the other hand, at its core the New Paradigm still maintains TNI's social and political roles, albeit at a lower intensity. In addition, the implementation of the paradigm seems to be aimed more at improving TNI's image than resolving the real problems.

In sum, the creation of this Civil Supremacy Paradigm is necessary to expand public discourse on the restructuring of civil-military relations in Indonesia, particularly in relation to the 1999 MPR General Session. Thus, it is highly hoped that the recommendations contained in this blueprint can be included in MPR decrees, as the basis for government policy for the next five years.

Vision of the Future

The New Indonesia Recognizes Civil Supremacy

1. The 1945 Constitution adheres to the principle of civil supremacy.
2. Healthy civil-military relations is part of a larger political system with the following characteristics: (1) a government based on the separation of powers and the principle of checks and balances; (2) a politically neutral civilian and military bureaucracy; (3) an independent and autonomous civil society; (4) strong political parties and party system; and (5) wide-ranging regional autonomy.
3. TNI is an instrument of the state that abides by civil supremacy and the rule of law, in accordance with the 1945 Constitution.
4. One of TNI's characteristics in abiding by the rule of law is that the jurisdiction of military tribunals is limited only to battlefield crimes, whereas the involvement of TNI members in civilian crimes is processed through the civilian court system in accordance with civilian law.
5. A free press supports the life of a democracy.

The New Indonesia in Matters of National Defense and Security

1. TNI is an instrument of the state that specializes in national defense, especially in dealing with external threats, whereas the police maintain domestic security and order.
2. Political forces do not attempt to utilize the military and the police as instruments to help compete for and maintain power.

The New Indonesia is Demilitarized

1. TNI no longer considers itself the most important or superior body, or the body that holds final word in the decision-making process.
2. Civil society no longer behaves in a militaristic manner. Therefore, military-style uniforms for civilians, civil ceremonies conducted in a militaristic manner, military training for civil servants and regional government officials, and paramilitary organizations have been eliminated.
3. The resolution of national and local crises uses not just a security approach, but also social, cultural, economic and political approaches.

Steps to Realize this Vision

SHORT TERM (1999-2000)

I. 1999 MPR General Session

1. Amendment of the 1945 Constitution
 - Article 2 (elimination of functional group representatives)
 - Article 10 (addition of "...and the use of TNI must be approved by the DPR.")
 - Article 30 (explanation of the obligations of citizens to defend the state)
4. The president and vice president should be elected from among the civilian political leaders who competed, through their political parties, in the June 7 elections.

V. Forming the New Government

1. The name of the Ministry of Defense and Security (*Dephankam*) should be changed to the Ministry of Defense (*Dephan*).
2. The post of Minister of Defense should not be held by an active or retired military officer.
3. The post of TNI Commander (*Panglima*) should be eliminated and replaced by the post of Chairman of the Joint Chiefs of Staff, which is held in rotation by the Army Chief of Staff (*Kasad*), the Navy Chief of Staff (*Kasal*), and the Air Force Chief of Staff (*Kasau*). The appointment of any of these chiefs of staff is to be done by the president, with the approval of the DPR.

IV. Abolition of the Dual Functions

1. Civilian posts currently filled by active or retired military officers (*kekaryaan*) should be returned to civilian bureaucrats within six (6) months.
2. Active military officers should not fill positions in the civilian bureaucracy.

3. Elimination of the Coordinating Agency for National Stability (*Bakorstanas*) and its regional counterparts (*Bakorstanasda*).
4. Elimination of the Directorate General of Social and Political Affairs of the Ministry of Home Affairs (*Ditjen Sospol Depdagri*) and its branches in the provinces and districts.

V. Reorientation of National Defense Policy

1. Revision of various laws pertaining to civil-military relations, such as Law No. 20/1982 on Principles of National Security Defense.
2. Reformulation by the government and the DPR of TNI and POLRI doctrine, based on community input.
3. POLRI should be moved from the Ministry of Defense to the Ministry of Home Affairs.
4. Gradual abolition of the territorial system in all parts of Indonesia should begin in Aceh with the withdrawal of all troops to three military bases for the purpose of external defense, to be located in Banda Aceh, Lhokseumawe and Meulaboh. This withdrawal is one effort to maintain Aceh as a part of Indonesia and as an example of the national process of abolishing the territorial system in the medium and long term.
5. Improvement of the welfare of enlisted soldiers (*bintara*) and non-commissioned officers (*tamtama*) in TNI and POLRI.
6. Reform of both civilian and military intelligence-gathering institutions, so that civilian intelligence institutions are led by civilians, and so that the activities and budgets of both types of intelligence institutions are made accountable to the government and the DPR.
7. Promotions of high-ranking officers (beginning with one-star generals) must be proposed by the Council on High Positions and Ranks (*Wanajati*), decided by the president, and approved by the DPR.

VIII. Reform of the Military Judicial System

1. Return of the Military Police to their proper role of handling violations committed by members of the military while on duty.
2. Criminal offenders within the military are brought to justice in accordance with the type of violation committed. Military courts are only to try offenders who commit violations while on duty, so that members of the military can no longer hide behind the military judicial system.
3. Improvement of the transparency and accountability of the military judicial system, enabling community oversight of the process.

4. Establishment of an independent institution with the task of formulating and implementing a strategy for handling past human rights violations, like the Truth and Reconciliation Commission in South Africa. This institution should be responsible to the DPR.
5. Corruption cases involving both TNI personnel and civil servants must be fully investigated and prosecuted.

MEDIUM TERM (2000-2004)

I. Reform of Civilian and Military Institutions

1. Abolish TNI/POLRI seats in the DPR and DPRD, through the passage of a new Legislatures Law.
2. Empower POLRI to handle domestic security by increasing its personnel and supplying them with proper and sufficient equipment, improving the welfare of its members, and reforming the police education system towards community policing.
3. Form two Commands (*Mandala*), the West Command and the East Command, which are led by four-star generals, called Commanders (*Panglima*).
4. Reform the legislative and judicial branches to be more independent from the executive branch, thus making them more capable of conducting their roles and functions and foster accountability as a means of establishing checks and balances in Indonesian politics.
5. Abolish the institution of *Mahkejapol* (a tripartite forum of the Supreme Court, the Attorney General, and the National Police), as a means of establishing respect for and the independence of the Supreme Court as the highest court of the state.

VI. Implementation of Regional Autonomy

1. Regional Military Commanders (*Pangdam, Danrem, and Dandim*) are to report not only to their superiors within the military hierarchy, but also to the head of the relevant regional government (governor, mayor or regent).
2. Phased elimination of the territorial system on a national scale begins with the withdrawal of all troops from villages (*Babinsa*) and sub-districts (*Koramil*) to District Military Commands (*Kodim*).
3. All TNI operations in a region must be approved by the respective DPRD.

III. Other

1. Reform the military educational system and curriculum to bring it in line with TNI's role and doctrine in external defense.
2. Improve the welfare of enlisted soldiers (*bintara*) and non-commissioned officers (*tamtama*) in TNI and POLRI.

LONG TERM (2004-2009)

1. Gradual elimination of the territorial system on a national scale is completed by disbanding all Regional Military Commands (Kodim, Korem and Kodam) and assigning the soldiers to military bases strategically located for the purpose of external defense within the West and East Commands.
2. Transfer control of all military businesses in accordance with the laws, so that all revenues and expenditures associated with defense and security matters are recorded in the TNI and POLRI sections of the national budget.
3. Improve the welfare of enlisted soldiers (*bintara*), non-commissioned officers (*tamtama*), and commissioned officers (*perwira*) in TNI and POLRI, to compensate for their loss of off-budget income (from military businesses).