

P-ISSN: 2338-8617

E-ISSN: 2443-2067

*Jurnal Ilmiah*

# PEURADEUN

Vol. 13, No. 3, September 2025



SCAD Independent  
Accreditation by IAO since 2014

**JIP**

The Indonesian Journal of the Social Sciences  
[www.journal.scadindependent.org](http://www.journal.scadindependent.org)  
DOI Prefix Number: 10.26811

INDEX COPERNICUS  
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**Legal-Political Analysis of the Indonesian National Army's Assistance to the Police**

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**Article in Jurnal Ilmiah Peuradeun**

Available at : <https://journal.scadindependent.org/index.php/jipeuradeun/article/view/1442>

DOI : <https://doi.org/10.26811/peuradeun.v13i3.1442>

**How to Cite this Article**

APA : Hasan, M., Faisal, F., Syahbandir, M., Gaussyah, M., & Fikarda, A. (2025). Legal-Political Analysis of the Indonesian National Army's Assistance to the Police. *Jurnal Ilmiah Peuradeun*, 13(3), 2311-2336. <https://doi.org/10.26811/peuradeun.v13i3.1442>

Others Visit : <https://journal.scadindependent.org/index.php/jipeuradeun>

Jurnal Ilmiah Peuradeun (JIP), *the Indonesian Journal of the Social Sciences*, is a leading peer-reviewed and open-access journal, which publishes scholarly works, and specializes in the Social Sciences that emphasize contemporary Asian issues with interdisciplinary and multidisciplinary approaches. JIP is published by SCAD Independent and published 3 times a year (January, May, and September) with p-ISSN: 2338-8617 and e-ISSN: 2443-2067. JIP has become a CrossRef member. Therefore, all articles published will have a unique DOI number. JIP has been accredited Rank 1 (Sinta 1) by the Ministry of Education, Culture, Research, and Technology, the Republic of Indonesia, through the Decree of the Director-General of Higher Education, Research, and Technology No. 72/E/KPT/2024, dated April 1, 2024. This accreditation is valid until the May 2027 edition.

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JIP indexed/included in Web of Science, Scopus, Sinta, MAS, Index Copernicus International, Erih Plus, Garuda, Moraref, Scilit, Sherpa/Romeo, Google Scholar, OAJI, PKP, Index, Crossref, BASE, ROAD, GIF, Advanced Science Index, JournalTOCs, ISI, SIS, ESJI, SSRN, ResearchGate, Mendeley and [others](#).





## LEGAL-POLITICAL ANALYSIS OF THE INDONESIAN NATIONAL ARMY'S ASSISTANCE TO THE POLICE

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Received: April 16, 2024	Accepted: September 20, 2025	Published: September 30, 2025
Article Url: <a href="https://journal.scadindependent.org/index.php/jipeuradeun/article/view/1442">https://journal.scadindependent.org/index.php/jipeuradeun/article/view/1442</a>		

### Abstract

*This study examined the legal and political dimensions of the Indonesian National Armed Forces' (TNI) assistance to the National Police (Polri) in maintaining internal security, with a focus on Aceh. Despite existing legal mandates under Law No. 34/2004, the absence of a specific Assistance Law has created regulatory ambiguity, operational inefficiencies, and overlapping authority between the TNI and Polri. Using a normative juridical approach supported by qualitative analysis and elite interviews, this research revealed that informal coordination, discretionary deployments, and financial uncertainty continue to undermine institutional accountability and civilian control. The Aceh case, shaped by post-conflict dynamics and special autonomy, illustrated how legal indeterminacy amplifies institutional tension and public distrust. The findings highlighted the urgent need for a comprehensive legal framework that defines the scope, procedures, and oversight of military assistance in internal security. This study contributes to civil-military relations scholarship by integrating responsive law theory and political legal analysis, while offering practical recommendations for democratic security sector reform. The Indonesian experience provides relevant insights for other transitional democracies seeking to balance national security with democratic accountability.*

**Keywords:** Military Assistance; Civil-Military Relations; Legal-Political Analysis; Internal Security; Democratic Governance.



## A. Introduction

The relationship between the military and police institutions in Indonesia continues to evolve in response to political transformation and legal reform. Historically, the Indonesian National Armed Forces (*Tentara Nasional Indonesia*/TNI) and the Indonesian National Police (Polri) were part of a single institution under the Armed Forces of the Republic of Indonesia (ABRI). Following the fall of the New Order regime in 1998, one of the crucial elements of Indonesia's democratic reform was the separation of TNI and Polri, formally enacted through TAP MPR No. VI/MPR/2000 and TAP MPR No. VII/MPR/2000. This separation marked a significant milestone in the country's democratization process and security sector reform (Honna, 2003; Mietzner, 2006).

Despite institutional separation, the TNI continues to be involved in military operations other than war (MOOTW), particularly in assisting the Polri in maintaining internal security. This function is legitimized through Article 7 of Law No. 34/2004 concerning the Indonesian National Armed Forces, which stipulates that the TNI has the duty to assist the police in ensuring public order. However, the ambiguous legal formulation and overlapping operational mandates have raised questions about the scope, mechanisms, and legitimacy of such assistance (Sebastian & Lanti, 2012; Nurhasim, 2006).

This ambiguity becomes even more problematic in conflict-prone and post-conflict regions such as Aceh. Although the 2005 Helsinki MoU and Law No. 11/2006 on Aceh Governance have granted Aceh a special autonomy status, the involvement of the TNI in law enforcement activities continues to spark debate regarding its consistency with democratic principles and the rule of law. The presence of military forces in internal policing tasks in Aceh often raises concerns about accountability, transparency, and civilian supremacy over security forces (Aspinall, 2009; Schulze, 2007; Darmoyo et al., 2024). In particular, overlapping authorities between civilian governance structures and military or police command can undermine legal certainty and public trust (Kartiko et al., 2025).

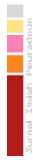
From a political-legal standpoint, this situation reflects an ongoing tension between national security interests and democratic governance. Scholars

have argued that democratic consolidation in post-authoritarian states requires a clear demarcation of military and civilian roles to prevent the resurgence of military dominance in civil affairs (Crouch, 2010; Alagappa, 2001; Siregar, 2008). In Indonesia, while reforms have made substantial progress in institutional separation, the persistence of TNI involvement in internal security matters indicates a form of functional regression that requires critical scrutiny (Mietzner, 2011; Sukma, 2005). Moreover, the inconsistent application of laws related to internal security, particularly in regions with special autonomy like Aceh, reflects deeper issues in the harmonization of national and regional legal frameworks (Mujani & Liddle, 2010).

Previous studies have addressed various aspects of security sector reform and civil-military relations in Indonesia. Honna (2003) examined the fragmentation of military authority post-reformasi, highlighting the role of internal factions and regional commands. Sebastian and Lanti (2012) focused on institutional coordination challenges in the implementation of MOOTW, emphasizing the lack of clarity in the operational chain of command. Kartiko et al., (2025) examined the role of police intelligence during elections, showing how institutional overlaps between TNI and Polri create vulnerabilities to politicization and identity-based conflicts. Darmoyo et al., (2024) explored the procedural authority of Aceh's governor in appointing regional police leadership, shedding light on the frictions between central and regional governance.

Other researchers have discussed the evolution of military professionalism and the redefinition of TNI's role under democratic regimes. Laksmana (2008) assessed the trajectory of civil-military reform and the enduring influence of military doctrine on policy. Ruland (2012) analyzed regional dynamics in Southeast Asia, including Indonesia's challenges in maintaining civilian oversight over security institutions. Meanwhile, Prasetyoningsih (2020) identified recurring gaps in the operationalization of military support roles and underscored the need for clearer doctrinal guidance.

Despite the growing body of literature, limited attention has been paid to the specific legal-political implications of TNI's assistance to Polri within the framework of regional autonomy and post-conflict governance in Aceh. Most existing studies have either focused on national-level reforms



or general theories of civil-military relations without closely examining the normative and empirical dimensions of internal security coordination in decentralized, post-conflict contexts.

This article addresses this research gap by offering a focused legal-political analysis of military assistance within the framework of MOOTW in Aceh (Araf et al., 2020). It aims to analyze how the legal foundation of TNI involvement is constructed, interpreted, and implemented in practice, especially in a region that operates under a unique legal and political framework. The article adopts a normative juridical approach combined with political-legal analysis, using the perspectives of Nonet and Selznick (1978) on responsive law, Mahfud MD (2009) on the politicization of law in Indonesia, and Huntington (1957) on the principles of civilian control over the military.

The urgency of this research lies not only in its relevance to the rule of law in Indonesia but also in its implications for regional security governance, particularly in the context of special autonomy. Aceh serves as a crucial case for understanding how national legal norms are operationalized – or contested – within regions that experience unique political histories, autonomy arrangements, and post-conflict recovery. It also demonstrates the potential consequences of normative ambiguity and institutional overlap in a fragile democratic setting.

Therefore, this research does not merely analyze the legal texts and normative frameworks that authorize military involvement in policing. It also critically examines how these frameworks are interpreted, contested, and implemented in practice. This dual-level analysis – normative and empirical – enables a deeper understanding of the dynamics of legal-political authority in Indonesia's evolving democracy and the challenges of institutional coordination between the military and police in internal security affairs. By doing so, this article contributes not only to scholarly debates on civil-military relations and democratic governance but also to the broader discourse on post-conflict reconstruction and institutional resilience in Southeast Asia.



## **B. Method**

This study employs a normative juridical approach supported by qualitative analysis to critically examine the legal foundations and political implications of the Indonesian National Armed Forces (TNI) involvement in assisting the Indonesian National Police (Polri) in internal security matters, particularly within the framework of Military Operations Other Than War (OMSP) in Aceh Province. The normative juridical approach was chosen because it is relevant for explaining how written legal norms in legislation interact with institutional practices and political dynamics that influence their implementation (Walidin et al., 2015).

Within the normative juridical context, the study focuses on analyzing legal products that form the legal basis for TNI's role in OMSP, including Law No. 34 of 2004 on the Indonesian National Armed Forces, Law No. 2 of 2002 on the Police, and Law No. 11 of 2006 on the Governance of Aceh. The analysis also reviews other legal documents, such as Presidential Decrees, Government Regulations, and Memoranda of Understanding (MoUs) that regulate cooperation between TNI and Polri. Through this approach, the research evaluates the coherence among norms, the hierarchy of laws, and the compatibility between legal provisions and the principles of a democratic rule-of-law state, particularly the principles of civilian supremacy and public accountability (Bachtiar, 2018; Angkasa et al., 2019).

To further explore the socio-political context underpinning the implementation of these legal norms, the juridical analysis is complemented by an analytical qualitative approach, which is widely used to capture the complexity of social phenomena (Potter, 1996; Walidin et al.). The qualitative dimension draws on secondary data from scholarly literature, journal articles, previous research, and expert opinions in law and politics, purposively selected for their relevance to civil-military relations, regional autonomy, and internal security. In addition, this study incorporated insights from elite interviews with senior officials of the TNI, Polri, legislators from the DPR, and legal scholars, to contextualize the normative analysis with first-hand perspectives on how legal ambiguities are experienced in practice (Soren, 2021).



Informants were selected through purposive sampling, as they held strategic positions and first-hand experience relevant to the issue of military-police cooperation. In total, ten interviews were conducted between March and October 2024, each lasting between 60 and 90 minutes. The interviews were semi-structured, allowing the researcher to pursue predetermined questions while also following new themes that emerged during the conversations.

The data analysis technique employed a combination of grammatical, systematic, and teleological methods of legal interpretation. Grammatical interpretation was used to understand the explicit meaning of legal norms; systematic interpretation considered the position and function of a norm within the overall legal system; and teleological interpretation assessed the normative objectives of legal provisions concerning TNI's role in supporting Polri's duties (Nonet, Selznick, & Kagan, 2001; Huntington, 1957). This process enabled the researcher to interpret the law not only textually but also in light of its social and political context, following the general inductive principles outlined by Thomas (2016).

All analyses were conducted while maintaining the connection between legal norms and institutional practices, particularly in the context of Aceh as a region with special autonomy status in the post-conflict era. This integration is essential to ensure that the study's findings are not only normatively and juridically relevant but also reflect the realities of implementation on the ground, shaped by the dynamics between the central government, local authorities, and security actors (Mella et al., 2024; Yulianto, 2023).

The research adhered to strict ethical standards, all documentary sources were cited honestly and accurately, without manipulation or distortion of meaning, thereby ensuring academic integrity (Potter, 1996; Thomas, 2016). For the elite interviews, informed consent was obtained from all participants, who were fully briefed on the aims of the research, and their right to withdraw at any time was respected. To protect confidentiality, pseudonyms and generalized identifiers are used (e.g., Interview with senior TNI officer, 2024). Because the study combined doctrinal legal research with qualitative



insights, formal approval from an ethics committee was not required, but ethical responsibility was maintained by upholding transparency, accuracy, and respect for participants' perspectives throughout the research process.

### **C. Results and Discussion**

Before presenting the findings, it is important to briefly outline how the results emerged from the study's analytical process. The findings presented in this section are derived from a combination of normative juridical analysis and qualitative insights obtained from elite interviews with key stakeholders. The discussion that follows interprets these findings within the broader legal and political framework governing civil-military relations in Indonesia, particularly in Aceh's post-conflict and special autonomy context. Together, these results and their analysis aim to provide a comprehensive understanding of the legal, institutional, and policy dimensions of the Indonesian National Armed Forces' assistance to the National Police.

#### **1. Results**

##### ***a. Legal and political implications of TNI's assistance to the National Police in Aceh***

The legacy of military involvement in Indonesian domestic affairs has been deeply rooted in the political history of the country, beginning in the Soekarno era and peaking under Suharto's New Order. During these decades, the military not only assumed defence responsibilities but also intervened in civil administration, law enforcement, and sociopolitical functions, blurring the distinction between defence and internal security. Despite reform efforts, these historical patterns continue to influence contemporary security arrangements.

The 2004 TNI Law (Law No. 34/2004) affirms that the TNI may be deployed in Military Operations Other Than War (OMSP), including assisting the Polri in internal security matters. However, the law lacks clear operational guidelines. While Law No. 2/2002 on the National Police allows for such assistance, it also fails to detail procedural requirements. The absence of an Assistance Law and implementing regulations creates a significant legal



vacuum. Consequently, informal and discretionary mechanisms govern the coordination between military and police authorities (Rahman et al., (2021), especially in regions with complex political and security contexts such as Aceh.

Using Nonet and Selznick's responsive law theory, this situation reflects the persistence of an "orthodox" legal model, where the law tends to legitimize power rather than empower civil institutions or enhance accountability. In practice, the TNI continues to possess wide discretionary authority in domestic operations. In Aceh, this is particularly problematic given its special autonomy status and post-conflict governance structure. Rather than fostering democratic control, the current regulatory gap reinforces a security paradigm dominated by military logic.

Interview data reveal that senior stakeholders across the military, police, and legislative branches share a concern over this legal vacuum. For example, a member of Commission III of the Indonesian Parliament stated: *"We are in urgent need of a legal framework that regulates military assistance operations. Without it, both institutions – TNI and Polri – operate under uncertainty, risking overlap, and inefficiency"* (Interview with legislator, 2024).

The military perspective also underscores the operational challenges caused by this gap. A senior TNI officer explained: *"There is no dedicated operational budget for OMSP missions involving support to the police. Everything is ad hoc, including logistics and chain of command"* (Interview with TNI operations officer, 2024).

In the absence of codified procedures, field coordination relies heavily on personal relationships between commanders and local officials. This dynamic often leads to inconsistencies, delays in deployment, and jurisdictional confusion. These are especially evident in situations requiring urgent joint responses, such as public unrest or communal conflict. From a political law perspective, the lack of legal clarity raises fundamental questions about the enforcement of civilian supremacy and institutional accountability. Mahfud MD's conception of political law argues that law must be an instrument of democratic discipline, ensuring that power is not exercised arbitrarily. However, in practice, the TNI's role in domestic affairs continues to operate within ambiguous legal parameters, undermining both democratic oversight and the rule of law.

Further complicating matters, Aceh's unique legal status under Law No. 11/2006 (the Law on Aceh Governance) does not provide explicit provisions regarding civil-military cooperation in internal security tasks. As a result, while the region enjoys a high degree of autonomy, it remains vulnerable to centralized security interventions that bypass regional legal structures. Comparative experiences highlight Indonesia's shortcomings. In countries like South Africa and the Philippines, military assistance to civilian institutions is governed by detailed statutes that specify the scope, conditions, and limits of such involvement. Parliamentary oversight is integral to ensuring democratic accountability. Indonesia's failure to adopt a similar framework perpetuates legal uncertainty and weakens the consolidation of civil-military relations in democratic contexts.

The interviews also pointed to tensions over financial responsibilities. A Polri representative noted: *"We often have to bear the costs of joint operations with the TNI. This arrangement is unsustainable. We need legal clarity that defines who does what – and who pays for what"* (Interview with Polri representative, 2024).

Another key finding relates to the principle of temporariness. Assistance roles, if prolonged or unregulated, risk creating a de facto remilitarization of internal security. This concern was expressed by a constitutional law scholar: *"Without time-bound limitations and oversight mechanisms, the TNI could gradually reclaim the dual-function role it officially abandoned during the Reformasi era"* (Interview with legal scholar, 2024).

The findings show that the absence of a codified Assistance Law perpetuates ambiguity, allows unchecked discretion, and impedes democratic accountability. Particularly in Aceh's sensitive post-conflict setting, these risks are magnified. A responsive legal framework is thus necessary to redefine the role of the military in a democratic security governance structure.

#### ***b. Operational and institutional challenges in OMSP implementation***

Beyond legal ambiguity, the actual implementation of TNI assistance to the Polri in Aceh reflects operational inconsistencies, role confusion, and institutional rivalry. While the framework for OMSP exists in theory, its execution remains heavily dependent on informal practices. The 2004 TNI



Law (Article 7) outlines assistance to civilian authorities as part of OMSP. These include disaster response, counterterrorism, and support to the police (Lubis, 2022). However, field evidence shows that requests for such assistance rarely follow formal protocols. Instead, they are usually initiated through direct communication between district-level commanders (Dandim) and police chiefs (Kapolres), often bypassing institutional chains of command.

This ad hoc nature of coordination creates unpredictability in joint operations. One local government official in Aceh explained: *"When disasters strike, we often reach out directly to the local TNI commander because they can respond faster than the police. But we are not sure if that's the right protocol"* (Interview with Aceh government official, 2024). In riot control and counterterrorism, the absence of clear role delineation leads to overlapping mandates. In some cases, both TNI and Polri units deploy simultaneously without unified command, resulting in inefficient resource use and conflicting directives. The lack of standard operating procedures (SOPs) also delays action in time-sensitive crises. A Polri official recounted: *"In several communal clashes, the delay wasn't due to lack of readiness but because no one knew who was in charge of giving the order to deploy joint forces"* (Interview with senior police officer, 2024).

These problems illustrate that, although the legal framework for OMSP theoretically ensures coordinated operations, in practice, such coordination remains weak and fragmented. The absence of procedural clarity and joint command structures results in duplication of efforts and blurred lines of responsibility. In many instances, decision-making authority becomes situational, determined more by personal networks than by institutional hierarchy. Such informality, while sometimes allowing flexibility in urgent situations, undermines the professionalism and predictability expected of both institutions.

In Aceh, this lack of coordination has broader social implications. The memory of militarization during the conflict period means that public perception of TNI intervention remains ambivalent. While the community acknowledges the logistical superiority of the military, its visible involvement in civilian affairs often revives anxieties associated with past authoritarian

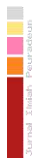
practices. Without an integrated and transparent coordination mechanism, the implementation of OMSP risks perpetuating institutional rivalry rather than fostering cooperative security governance. This underscores the need for standardized inter-agency procedures that align operational efficiency with democratic accountability (Subagyo & Rusfiana, 2018).

*c. Financial, legal, and policy gaps in civil-military assistance*

These operational inefficiencies also stem from the structural absence of financial autonomy for the TNI when undertaking support missions, particularly those categorized under Military Operations Other Than War (OMSP). At present, there is no clear legal framework that allocates a specific operational budget for TNI involvement in civilian support roles, such as riot control, counterterrorism assistance, or public order maintenance during mass mobilizations.

As a result, the financial burden of such joint operations typically falls upon the National Police (Polri) or local governments. However, these institutions often lack the fiscal capacity, administrative flexibility, or rapid disbursement mechanisms necessary to fund large-scale security mobilizations. This dependency not only delays the deployment of TNI assets but also creates institutional hesitancy, as neither Polri nor regional governments are able to guarantee adequate reimbursement or cost coverage. In several documented cases in Aceh, for example, military units delayed responding to requests for assistance during times of civil unrest due to the absence of clear funding mandates and uncertainty about budget accountability. These conditions significantly undermine the TNI's ability to act promptly and independently, especially in emergency contexts where time is of the essence.

Empirical evidence from elite interviews further supports this observation. A senior officer from the Assistant for Operations to the Commander of the TNI acknowledged that *"the implementation of assistance missions is often hampered by the absence of specific financial provisions. When a request comes from Polri or a regional government, we must first coordinate budget availability, which can take days. Without clear financial regulations, our operational readiness is compromised"* (Interview with senior TNI operations officer, 2024). Similarly,



an official from the *Head of Public Relations Division of the National Police* confirmed the same concern, stating that *"there are situations where Polri requests military assistance, but the budget is not ready. The TNI cannot act without clarity on who will bear the operational costs, and this uncertainty slows down joint responses"* (Interview with senior Polri official, 2024).

A member of the *House of Representatives Commission III* added a legislative perspective, emphasizing the structural problem behind such coordination failures: *"The absence of a formal Assistance Law means there is no legal mechanism to allocate or reimburse costs between TNI and Polri. This situation is unfair to both institutions and creates accountability gaps that could be exploited"* (Interview with legislator, 2024). These testimonies collectively reveal a pattern of systemic inefficiency in the financial management of assistance missions. While both institutions acknowledge the importance of cooperation, the lack of statutory clarity on budgetary responsibility results in operational paralysis. Consequently, local authorities in Aceh often find themselves negotiating ad hoc financial arrangements with military units, a practice that, while practical in the short term, undermines the principles of transparency, proportionality, and civilian oversight in the long term.

The lack of a clear funding framework also has implications for the sustainability and predictability of military involvement in non-combat operations. Without a specific budget line or institutional mechanism, TNI units are often forced to divert funds from other operational areas, jeopardizing their core defense functions. A regional financial officer in Aceh admitted that *"when the TNI is mobilized to help with public order or disaster management, the local government usually has to reallocate emergency funds. This process takes time and often happens after the operation is already underway"* (Interview with regional finance official, 2024). Such practices not only delay response efforts but also expose both institutions to legal and administrative scrutiny, as expenditures are made without a clear legal mandate or standardized accounting procedures.

These findings highlight that financial uncertainty is not merely an administrative issue but a legal and structural one. The absence of codified financial provisions reflects the broader problem of incomplete civil-military



reform in Indonesia. Without explicit regulations defining cost-sharing, reimbursement, and budgetary responsibility, the TNI's assistance missions remain dependent on discretionary decisions, which contradicts the principle of the rule of law. This situation, particularly in Aceh's post-conflict context, risks reinforcing perceptions of unequal institutional treatment and eroding public trust in democratic security governance.

The policy disconnect between national regulations and practical realities is further illustrated by the 2010–2014 General Policy on National Defense, as stipulated in Presidential Regulation No. 41. This document reaffirms that any military deployment in domestic contexts must adhere to principles of legality, democratic values, respect for human rights, and alignment with both national and international norms (Anwar et al., 2024). However, the absence of a legally binding operational framework renders this policy aspirational rather than enforceable. In reality, deployments are frequently based on informal negotiations between local actors, lacking transparency and formal oversight. The disconnect between what is prescribed by policy and what is practiced in the field exposes a fundamental weakness in Indonesia's current security governance architecture, where normative commitments are not translated into procedural systems that can guarantee legal certainty, civilian control, or institutional accountability.

Empirical data collected from field interviews in Aceh supports this assessment. While the TNI has consistently demonstrated greater efficiency in disaster relief operations—owing to its superior logistical capacity, disciplined personnel structure, and preexisting infrastructure—its performance in situations of civil unrest or communal violence is far less effective. Disaster responses are predominantly logistics-driven and allow the military to function within a clear humanitarian mandate, which minimizes legal ambiguity and public resistance. In contrast, interventions in internal security scenarios demand a level of procedural coordination and legal clarity that is currently absent.

These situations involve complex judgments regarding the use of force, inter-agency coordination, and public accountability—areas in which

institutional gaps become starkly visible. As one NGO representative in Aceh observed: *"TNI has the trucks and the manpower, but in cases of social unrest, they don't know when and how to intervene unless instructed by Polri. This confusion hurts public trust"* (Interview with NGO leader, 2024). This statement encapsulates a broader pattern in Aceh's post-conflict security environment: while the public recognizes the operational capability of the TNI, its involvement in civil affairs is often perceived as legally ambiguous and potentially excessive, thereby generating anxiety rather than reassurance among local communities.

Moreover, the structural informality of command and control at the provincial level—particularly the interactions between the Regional Military Command (Kodam) and the Regional Police (Polda)—compounds the problem. In practice, many decisions regarding assistance deployment are made through verbal agreements, personal relationships, or localized conventions between military and police officials. While such informality may offer short-term operational flexibility, it systematically undermines legal certainty and institutional accountability. Decisions made without written orders, formal reporting lines, or defined mandates not only jeopardize the principle of civilian supremacy but also make it difficult to conduct post-hoc evaluations of operational effectiveness and legal compliance. As confirmed by the findings of O'Neill et al., (2023), reliance on auxiliary relationships in plural policing contexts—especially when unregulated by formal legal instruments—leads to fragile accountability structures, blurred institutional roles, and an erosion of democratic oversight. These dynamics are palpably evident in Aceh's security apparatus, where overlapping responsibilities and the lack of a statutory Assistance Law leave both institutions operating in a space of mutual uncertainty and inter-organizational distrust.

In the long term, the perpetuation of such informal arrangements may have detrimental effects on institutional reform and democratic consolidation. The absence of regulatory clarity fosters a security culture that is reactive rather than preventive, personalized rather than professional, and opaque rather than transparent. In Aceh, where post-conflict recovery is still in progress and where community perceptions of state legitimacy remain

fragile, these weaknesses are amplified. Unregulated military assistance risks being interpreted as an overreach of centralized authority, undermining the spirit of regional autonomy established under Law No. 11/2006. It may also contribute to renewed grievances among former conflict actors and local civil society organizations who interpret the discretionary deployment of the TNI as a continuation of the militaristic practices of the past.

Therefore, the findings from this section not only highlight the technical and legal shortcomings in the implementation of OMSP assistance tasks but also reveal deeper structural challenges in the design of Indonesia's civil-military interface. Without a legally codified, institutionally harmonized, and financially supported framework for TNI assistance missions, particularly in regions with special political status like Aceh, Indonesia's aspirations for democratic security governance will remain aspirational. It is within this context that the urgent call for an *Assistance Law*—as echoed by interviewees from the military, police, legislature, and civil society—must be understood not simply as a matter of operational efficiency, but as a foundational step toward aligning Indonesia's security architecture with democratic norms, legal principles, and institutional integrity.

## **2. Discussion**

The findings of this study reflect a persistent disjuncture between Indonesia's legal framework and the actual implementation of TNI assistance to the Polri in internal security contexts, particularly in Aceh. This gap is not only normative but also operational and political in nature, revealing an enduring tension between the ideal of civilian supremacy and the pragmatics of security management in a post-authoritarian and post-conflict setting. The ambiguity surrounding Military Operations Other Than War (OMSP) becomes especially problematic in regions like Aceh where the legacy of militarization and special autonomy arrangements intersect in complex ways (Zainal, 2016; Melvin et al., 2023).

From a theoretical standpoint, the Indonesian case aligns with Nonet and Selznick's (2001) concept of "responsive law," wherein legal institutions

should evolve toward promoting justice and democratic participation. Yet, what is observable in this context is the persistence of an orthodox legal framework that permits wide discretionary authority to security institutions, particularly the TNI. The failure to codify a dedicated Assistance Law sustains a regulatory vacuum that not only limits accountability but also undermines the professionalism and constitutional mandate of both military and police institutions (Ridho, 2019; Safaat, 2021).

The continuity of informal practices—such as verbal agreements between commanders, adhoc deployments, and uncertain budgetary responsibilities—highlights a securitization model that is reactive and personalized rather than institutionalized and rules-based. These practices resonate with Ekatjahjana's (2015) view that without strong constitutionalism, state power in transitional democracies tends to operate through informal norms that compromise legal certainty. The implications are profound for civil-military relations, as they suggest the persistence of “dual-function residues” in the governance of internal security (Yabuki, 2024; Wirasaputri, 2017).

Empirical evidence from interviews confirms that operational coordination between TNI and Polri lacks standardization, a concern previously identified by USK (2019) in public discussions on TNI reform. The uncertainty surrounding command authority, operational funding, and jurisdictional boundaries compromises not only operational effectiveness but also institutional trust. In fact, this uncertainty hinders the consolidation of democratic oversight mechanisms, echoing O'Neill et al., (2023) who warn of “fragile accountability structures” in plural policing systems when roles remain undefined.

Moreover, the absence of a dedicated operational budget for OMSP tasks amplifies these inefficiencies. Without financial autonomy, TNI units are forced to delay deployments or rely on unpredictable funding sources, resulting in serious bottlenecks during emergencies (Safitri, 2024; Sahajuddin et al., 2025). This financial limbo reflects deeper structural weaknesses in the national security architecture, where budgeting mechanisms fail to reflect actual operational needs—a gap that violates the principle of responsiveness in state governance (Mahmuda, 2024).

The Aceh context further complicates this scenario. As a post-conflict region with special autonomy status under Law No. 11/2006, Aceh requires a security governance model that balances national interests with regional legal arrangements. Yet, TNI assistance in Aceh often bypasses local institutions, raising concerns about the erosion of regional autonomy and the re-emergence of centralistic practices (Melvin et al., 2023; Zainal, 2016). From a political law perspective, as advanced by Mahfud MD, law must function not only as an instrument of state control but also as a vehicle for democratic accountability – something clearly lacking in the current regulatory arrangement.

Comparatively, other democracies such as South Africa and the Philippines have enacted clear legal provisions that regulate the scope and limits of military involvement in internal security, coupled with robust parliamentary oversight mechanisms (Cahill, 2021; Choiri & Ardyansyah, 2024). Indonesia's reluctance to adopt a similar model reflects a broader problem of normative resistance to civilian control, a key aspect of democratic consolidation (Brooks, 2021). The continued ambiguity in Indonesia's case suggests that civil-military reform remains partial, fragmented, and at risk of reversal (Tatara et al., 2022; Ng & Kurniawan, 2024).

In line with Huntington's (1957) theory of objective civilian control, the absence of codified roles and responsibilities not only threatens the principle of civilian supremacy but also blurs the identity of the military as a professional defense institution. Recent studies affirm that institutional professionalism is cultivated not only through training and doctrine but also through legal clarity and procedural discipline (Hanifah et al., 2025; Yabuki, 2024; Brooks, 2021). Without these, the TNI risks being trapped in a praetorian role, perpetuating a culture of discretionary intervention in civil matters.

Further, the findings point to an urgent need for the harmonization of legal and financial frameworks through a dedicated Assistance Law that regulates the TNI's support functions. This law must clearly define the types of missions allowed under OMSP, the scope of temporary deployment, financial responsibility, and oversight mechanisms. Hadisancoko (2019) argues



that the posture of national defense must be constructed on the principle of Minimum Essential Force (MEF), which presupposes a clear delineation of defense and internal roles—a vision that remains unfulfilled without a supporting legal instrument. Similarly, Sinaga et al., (2023) underscore the importance of human resource management and institutional structuring to ensure that military deployments do not encroach upon civil jurisdiction.

Policy-wise, a critical gap exists between national security doctrines—such as those outlined in the National Security Strategy—and their operational translation. As Tarigan & Saputro (2021) and Tataru et al., (2022) have noted in the context of counterterrorism operations, the absence of inter-agency SOPs not only leads to jurisdictional confusion but also exposes security forces to the risk of unlawful conduct, particularly in volatile environments like Aceh. This risk is magnified by the TNI's broad logistical capability and historical legacy in the region, which often generate public perceptions of institutional overreach (Melvin et al., 2023; Munir & Zumrotun, 2023).

The discourse on the need for a dedicated Assistance Law is further supported by the structural vulnerabilities observed in Aceh. As revealed by field data, the reliance on informal agreements and unbudgeted operations distorts institutional professionalism and places undue pressure on regional authorities. Moreover, this arrangement fosters a cycle of dependency that disincentivizes institutional reform, as local officials tend to rely on military responsiveness while lacking the authority or resources to provide oversight.

In public health emergencies and disaster responses, such as during the COVID-19 pandemic, TNI deployments were perceived as effective, largely because their role was unambiguously humanitarian (Muniroh et al., 2022). However, such clarity is absent in riot control or political unrest scenarios, where normative uncertainty often translates into legal vulnerability and public distrust. This underscores the importance of distinguishing between humanitarian OMSP and coercive support roles, a distinction that should be embedded within future legal reforms.

Furthermore, the findings suggest that current practices risk deepening the disconnect between national policy and grassroots security realities. As



the Aceh case demonstrates, the discretionary deployment of military units in internal policing functions without legislative backing threatens not only democratic accountability but also the legitimacy of regional autonomy (Zainal, 2016; Yulianto, 2023; Suhartana et al., 2025). To avoid further erosion of civilian control and institutional boundaries, it is imperative to establish legal mechanisms that are both context-sensitive and constitutionally grounded.

Finally, the Indonesian Parliament and civil society must act decisively to legislate the long-awaited Assistance Law. As echoed by legislative and military elites interviewed in this study, this law is not merely a bureaucratic necessity but a democratic imperative. It is essential for realigning the country's security governance with the constitutional ideals of legal certainty, accountability, and civilian supremacy (Iskandar, 2018). Without this, the risk of institutional rollback remains high, and Indonesia's democratic consolidation will continue to be haunted by its authoritarian past (Wirasaputri, 2017; Ridho, 2019; Mahmuda, 2024).

Beyond Indonesia's national challenges, the implications of this study resonate globally, especially within the broader discourse on post-conflict democratic transitions. The Indonesian case illustrates how partial reforms in civil-military relations can generate institutional stagnation, blurred mandates, and accountability vacuums—risks that are not unique to Indonesia but prevalent across many transitioning democracies in Southeast Asia, Sub-Saharan Africa, and parts of Latin America (Banerjee & Webeck, 2024). Therefore, the findings of this study contribute to a growing body of international literature that warns against incomplete security sector reform and the enduring influence of militarized governance in post-authoritarian contexts (Cahill, 2021; Brooks, 2021). By drawing on the Aceh experience, this research highlights the necessity for legally codified, democratically accountable frameworks to regulate military assistance in civilian affairs. Such frameworks are crucial not only for preserving institutional professionalism but also for upholding the global standards of rule of law, civilian control, and responsive governance in fragile and post-conflict democracies.

Nevertheless, this study has several limitations that should be acknowledged. While it offers a comprehensive legal-political analysis grounded



in normative frameworks and elite interviews, it does not fully incorporate the perspectives of grassroots actors such as village leaders, local civil society groups, or communities directly affected by military interventions. The exclusive focus on Aceh, though methodologically justified due to its special autonomy status and conflict history, may also limit the generalizability of the findings to other regions in Indonesia facing similar institutional dilemmas, such as Papua or Maluku. Furthermore, the study relies primarily on doctrinal and qualitative methods, without integrating quantitative or mixed-methods approaches that could offer broader statistical insights into the frequency, distribution, and impact of military-police cooperation across different contexts. These limitations open pathways for future research that could further explore the dynamics of internal security governance through more inclusive, comparative, and interdisciplinary methodologies.

#### **D. Conclusion**

This study has demonstrated that the involvement of the Indonesian National Armed Forces (TNI) in internal security tasks, particularly through assistance to the National Police (Polri) in Aceh, is shaped by persistent legal, political, and institutional ambiguities. The absence of a comprehensive Assistance Law has created a regulatory vacuum that enables discretionary practices, weakens institutional accountability, and complicates civil-military coordination on the ground. While the normative framework under Law No. 34/2004 and Law No. 2/2002 provides general authorization for Military Operations Other Than War (OMSP), the lack of detailed procedural norms, financial clarity, and oversight mechanisms has led to operational fragmentation and a securitization logic that undermines democratic civilian control. The Aceh case, with its special autonomy and post-conflict vulnerabilities, highlights how these deficiencies are further amplified in decentralized and politically sensitive regions.

Theoretically, this study contributes to civil-military relations scholarship by integrating responsive law theory (Nonet & Selznick) with perspectives on political law (Mahfud MD) to show how legal indeterminacy can sustain authoritarian residues within democratic systems. It also engages

with Huntington's notion of objective civilian control by revealing how the absence of codified legal frameworks may blur the boundaries between defense and internal roles, thereby challenging the professional identity of the military. Practically, this research offers critical insights for security sector reform by proposing the urgent need for a dedicated Assistance Law that can regulate TNI support missions with legal clarity, financial certainty, and democratic accountability. The findings also inform policymakers on the risks of relying on informal, ad hoc arrangements that bypass institutional procedures, especially in regions like Aceh where historical memories of militarization continue to shape public perceptions and trust.

Building upon the limitations discussed earlier, future research should expand the empirical scope of analysis beyond elite perspectives to include the voices of local communities, grassroots civil society actors, and regional stakeholders who directly experience the implications of military-police coordination. Methodologically, subsequent studies could adopt a mixed-methods approach that combines doctrinal legal analysis with field-based ethnography or large-scale surveys to capture both normative frameworks and lived realities. Comparative cross-regional research—examining similar security arrangements in provinces like Papua, Maluku, or international cases with transitional democracies—would also enrich the understanding of how security governance reforms are shaped by context-specific legal, political, and socio-cultural dynamics. Such future directions are essential for developing more inclusive, context-sensitive, and adaptable models of democratic security governance.

This research affirms that the consolidation of democracy in Indonesia cannot be separated from the urgent task of reforming civil-military relations. The enactment of a comprehensive Assistance Law represents more than a technical legal fix—it is a constitutional imperative to safeguard civilian supremacy, institutional professionalism, and the rule of law. By grounding its analysis in Aceh's unique post-conflict context, this study not only contributes to national debates on security governance but also offers lessons of global relevance for other transitional democracies.



## Acknowledgment

The author gratefully acknowledges the invaluable guidance and continuous support of the academic supervisors throughout the completion of this study. Special thanks are extended to Prof. Dr. Faisal, S.H., M. Hum., Dr. Mahdi Syahbandir, S.H., M. Hum., and Dr. M. Gaussyah, S.H., M.H., whose constructive insights and scholarly advice greatly enhanced the direction and quality of this research. Their expertise in legal and political studies has been fundamental to the development and contributions of this paper.

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