



Does the Indonesian National Army Develop Democracy and Human Rights? A Comparative Perspective

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Article

Abstract

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This study analyses the role of the TNI in the development of rule-of-law democracy and human rights. The study compares the approaches and challenges of strengthening democracy through military means with those of the US. Some of the questions addressed include the role of the TNI in the development of constitutional democracy and human rights in Indonesia and the comparative role of the TNI and the U.S. Armed Forces in supporting the principles of democracy and human rights. This research uses a comparative approach by comparing legal literature and case studies from Indonesia and the United States. This research shows that the TNI has an important role in building a democracy based on law and human rights in Indonesia. The United States military and the TNI have several key aspects to illustrate their respective strengths and challenges for comparison. First, regarding civilian control and political influence, the US Armed Forces have a more established system of civilian control and political separation than the TNI. Nevertheless, the TNI has shown significant progress in reducing its political influence and strengthening civilian control. Second, in human rights education and training, the US Armed Forces generally have a more structured and tested system of human rights training and supervision compared to the TNI, which is still in the process of strengthening. Third, in oversight and accountability, the US Armed Forces generally have more structured and effective oversight and accountability mechanisms than the TNI. However, significant efforts have been made in Indonesia to improve these systems. Both countries have their strengths and weaknesses, but it is important to recognize the achievements and efforts of both.



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INTRODUCTION

Democracy is widely chosen by most countries, as evidenced by a 1950 UNESCO study involving over 100 scholars, making it the ideal approach for modern political

and social organisation systems. (Kasih, 2018) Each country exhibits distinct characteristics of democracy, including Socialist, Liberal, Guided, and Pancasila Democracy (Eva, 2017). Indonesia has enacted Liberal Democracy, a concept similar to “*rechtsstaat*” from Germany and “the rule of law” from England, despite having different historical backgrounds (Rokilah, 2020).

Most global countries have the rule of law, with democracy and the rule of law remaining fundamental principles of the state despite variations in patterns (Andi Agustang, 2016). The founders of the Indonesian State, in BPUPKI meetings, emphasised democracy as a joint life in the state, incorporating populism, popular sovereignty, and the rule of law, as outlined in the 1945 Constitution (Rokilah, 2020).

The term “State of law” in Indonesia’s constitution is only mentioned in the 1945 Constitution’s explanation section (B. Manan, 2019). Article II of the additional rules states that the 1945 Constitution consists of the preamble and articles, contradicting the previous explanation until it is highlighted in the third amendment. (UUD 1945, 1945) The provision mandates that all state-level sovereignty exercises have to adhere to democratic and rule-of-law principles, including state institutions like the military and the Indonesian National Army (TNI) (Alhababy, 2024).

The TNI plays a crucial role in Indonesia’s democratic and human rights implementation, supporting political stability and security after the 1998 Reformation (Hakim, 2023). Despite challenges and human rights violations, the TNI has made significant progress in promoting democracy and respecting basic human rights (Laksmiana, 2012). The TNI plays a crucial role in maintaining national security, participating in law enforcement, and contributing to political stability by ensuring domestic security and democratisation while adhering to international human rights standards and ensuring that these operations are conducted without violating human rights (Yulianto, 2023).

There are several facts of human rights violations during the New Order and post-reform era, including during the New Order era, mass arrests and killings of communists in Indonesia and Timor Leste. The Tanjung Priok Incident in 1984 killed over 100 people. In the Post-Reform, cases like Munir’s murder and Papua’s violations remain controversial due to inadequate legal processes and armed conflicts (Kosandi & Wahono, 2020).

The TNI has been in the public spotlight, especially since the resignation of President Soeharto on May 21, 1998, at which time the TNI became one of the main props of Soeharto's power to survive for 32 years (Suharto, 2019). Then, in the era of Indonesia's democratic transition today, the role of the TNI is again being questioned in line with the development of democracy in Indonesia. The task of TNI is to be a state defence tool in charge of maintaining the integrity of state sovereignty in international relations (Sobko et al., 2023). However, throughout the course of the country's history, TNI was often involved in practical politics through the dual

function of ABRI (at that time, TNI and POLRI were still merged). This became one of the reasons for the separation of the two institutions. However, it turns out that problems related to democracy and human rights within the army still exist (Gemini, 2021).

In the last decade, the Indonesian National Army (TNI) has been implicated in two major cases affecting democracy and human rights in Indonesia. The first case, the 2014 Paniai murder, involved TNI and civilians, resulting in violations of human rights standards. This case became an international highlight, showing ongoing tension between the security apparatus and the public (Komnas HAM RI, 2020). The Paniai case highlights human rights violations and the need for reform in security apparatus surveillance and accountability in conflict-prone areas like Papua, undermining public confidence and disrupting democratic processes (BBC News Indonesia, 2022).

The TNI's operation in Poso, Central Sulawesi, on June 7, 2020, resulted in violence and torture against civilians, escalating public distrust of the security apparatus and increasing tensions in conflict-prone areas despite capturing a terrorist group involved in extremist activities (Adryamarthanino, Verelladevanka., Nailufar, 2021). The Poso case pointed out the potential conflict between military operations and democratic principles, highlighting the need for continued monitoring and follow-up to ensure effective human rights reform efforts in the future (Putri, 2020). Two relevant military cases in Indonesia, compared to the United States military, include the following.

The Kent State University Shooting Case (1970) involved Ohio National Guard troops shooting four students and wounding nine others during an anti-war demonstration. The incident showed tension between state authority and civil rights and the use of excessive force in demonstrations. The case sparked discussions on the limits of security force use and led to reform efforts to improve training and avoid excessive force in demonstrations (The Learning Network, 2012).

Operation Ferguson (2014) in Ferguson, Missouri, related to the use of military equipment by local police to respond to protests following the death of Michael Brown, has triggered controversy about the militarisation of policing and its impact on civil rights and public trust. President Obama's administration established a commission to assess policing practices and recommended reforms, including strengthening the "Cops Program" and discussing limiting military equipment usage (Gero Schließ, 2015).

This research examines the integration of military power in a democratic system based on law and human rights in Indonesia and compares it with the United States. The study focuses on the role of the TNI in developing democracy and human rights, as well as the military's role in supporting democratic principles. Comparing the practices of TNI with those of the US Armed Forces can strengthen its role in democracy and human rights protection. This helps TNI learn from US experiences

in reform, accountability, and law enforcement and develop better policies to protect human rights and support democracy in Indonesia.

METHOD

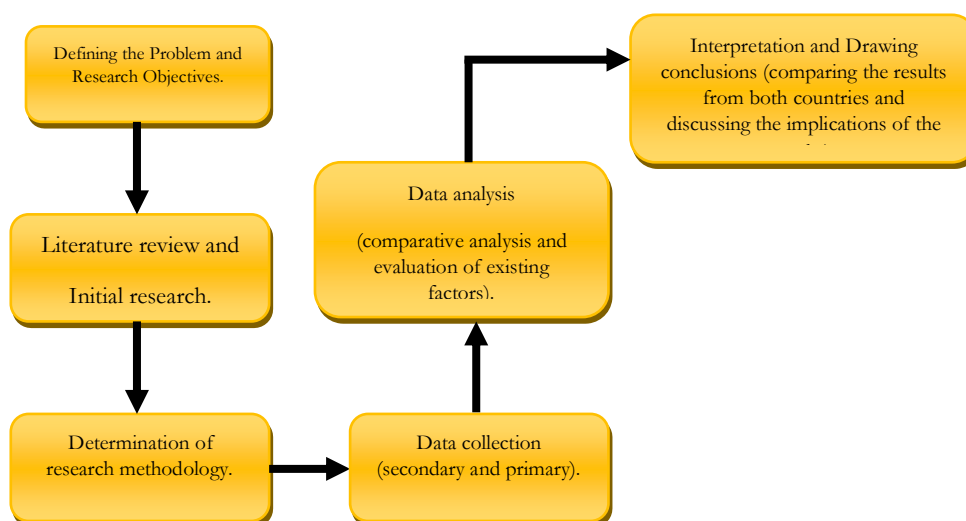


Chart 1. Research Framework

This study compares legal literature and case studies in Indonesia and the United States, using the normative legal research method with a comparative analysis approach (Efendi, Jonaedi, Ibrahim, 2018). Primary and secondary data sources were used (Al-Fatih, 2023), consisting of legal texts related to the Indonesian and US militaries, constitutions such as the 1945 Constitution, and laws such as the Comparative Functions and Roles of the TNI in Law No. 34 of 2004 and the Amendment Bill to Law No. 34 of 2004 concerning the TNI, as well as policy documents related to the TNI's involvement in government. The source was also obtained from certain government websites and others.

Secondary data from scientific articles and reports assess the military role in the democratic process, legal constraints, institutional framework, and recent developments implications for human rights and stability (Ishaq, 2017). This research will focus on comparing the role of TNI in the development of democracy and human rights, compared to that of the US armed forces.

RESULTS AND DISCUSSION

TNI's role in developing democracy

A democracy is a state in which the people hold the ultimate power and which promotes peaceful conflict resolution, social change, orderly succession of government, minimal coercion, diversity, and the achievement of justice through peaceful conflict resolution. (B. dan K. M. Manan, 1996) Democracy contributes to the peaceful resolution of disputes, institutionalised social change, regular changes in leadership, minimal use of force, respect for diversity, and the establishment of justice (Sityawan, 2023).

Soekarno and Moh. Hatta, the founding fathers of Indonesia, advocated for a life-giving deliberation, focusing on *politiek-economische democratie*, which can bring social welfare (Wikrama, 2020). Deliberation according to Soekarno should be executed by a deliberative body together with the people (Dutch: *politieke rechtvaardigheid dan sociale rechtvaardigheid*). (Sutrisno Kutoyo, 1981) Muh. Hatta emphasised the importance of democracy in political, economic, and social affairs, asserting that everyone should have the right to determine their destiny, form government, and organise their economy (Hatta, 1979).

The concept of democracy in Indonesia differs from the West's, emphasising political, economic, and social aspects, while the West's focus is on political democracy, limiting the scope of this research. The 1945 Constitution describes democracy in various terms, including populism, popular sovereignty, and sovereignty in the hands of the people. The fourth principle of Pancasila emphasises the supreme will of the people in determining the government of the country, "a democracy guided by wisdom in deliberation and representation". Bagir Manan emphasises the importance of wisdom and peacefulness in democracy. In Indonesia, sovereignty is in the hands of the people, and democracy is implemented through the People's Consultative Assembly (B. Manan, 1990).

The 1945 Constitution upholds popular sovereignty, which is fully exercised by the MPR (People's Consultative Assembly), indicating that other state institutions do not possess this power (Martosoewignjo, 1996). The 1945 Constitution's Article 1(2) states that popular sovereignty is exercised by the MPR, the highest state institution, following a separation of powers model, or power sharing (UUD 1945, 1945). The United Republic of Indonesia (RIS) of 1949 is different from the 1945 RIS in terms of popular power, as the former focused on the government, the House, and the Senate, while the latter upheld the supremacy of the Constitution, stating that the State of Indonesia is a constitutional state. The amended constitution upholds the supremacy of the constitution, whereas the original constitution allowed the Supreme Court to review laws (B. Manan, 2019).

Indonesia's classical state of law, as stated by J.T. van den Berg, requires a constitution, division of powers, state power spread, guarantee of human rights, equality before the law, and legality, ensuring government power is based on the law. (Mayo, Henry B., 1960) The 1945 Constitution embodies the characteristics of the rule

of law, with a slightly different style, except for unclear legality requirements. (Wiratraman, 2008) Some articles often mention additional provisions in the law, including the necessity of an organic law. To transform the classical rule of law into a modern one, some consider that the 1945 Constitution's obligation is to create a just society (Risdiarto, 2017).

Scheltema argues that a democratic state requires order, rules, and regulations, as popular sovereignty cannot be separated from law, demonstrating that a democratic state has to be based on law (B. Manan, 2019). The Indonesian National Army plays a crucial role in national security, legal compliance, and human rights protection, alongside the development of democracy in Indonesia (Honna, 2021). TNI, with a long history, has significantly transformed its roles and functions in the Indonesian government, playing a crucial role in maintaining the democratic process (Sebastian & Gindarsah, 2015), particularly addressing internal security issues such as terrorism, separatism and armed conflict in border areas (Lubis, 2021). TNI is known to play an important role in maintaining political stability and national security, which serve as key requirements for an effective democratic system (Lubis, 2022).

TNI plays a crucial role in Indonesia's protection of human rights, enhancing the democratic system and promoting inclusiveness (Nur & Susanto, 2021). These rights are inherent to humans and apply to all conditions. TNI is committed to improving its ability to respect, protect, and fulfil human rights, ensuring their implementation in everyday life and operational contexts (Pohan, 2019). The implementation of TNI's internal reform in 1988 alone has made considerable progress in strengthening TNI's involvement in legal mechanisms and instilling democratic values in the behaviour and thinking of its personnel. (Haryanto, 2020) The reforms were also an important step in reducing the military's influence in political life and strengthening the rule of law as the foundation of a stable democracy (Honna, 2021).

The TNI is responsible for promoting democracy and human rights in Indonesia (Prakasa, 2021). It safeguards the country's sovereignty, maintains security stability, respects human rights, and participates in community development through humanitarian assistance, disaster management, and infrastructure development. (Kusuma & Harisman, 2024) This ensures a stable democracy and respects human rights (Usman et al., 2021). Institutions exercising sovereignty, such as the military and TNI, ought to implement democracy and the rule of law principles. They should promote democracy by creating a safe environment, prohibiting violations, and updating their laws related to the TNI.

The Indonesian National Army (TNI) underwent significant changes after its reformation. The TNI was separated from the Indonesian Armed Forces (ABRI) in 1999, reverting to a military institution focused on national defence. Law No. 34/2004 eliminated the TNI's role in political activities and limited its involvement in non-ground activities. The TNI's role in internal security was strictly regulated, with limited

involvement in politics. The TNI was prohibited from engaging in practical political activities. The oversight and accountability framework improved, with the establishment of the National Law Commission to oversee human rights violations and the Business Competition Supervisory Commission to oversee the TNI's role in commercial ventures (Pemerintah RI, 2004).

The changes reflect an effort to separate TNI from politics and shift its focus exclusively to national defence and security functions. They also reflect the transition towards more transparent and accountable governance in the country. This explanation is based on the legal evolution reflected in the laws and regulations implemented after Indonesia's political reforms. Here are the roles of the TNI before and after reforms, as well as the effects of separation from ABRI as presented in tabular form. (Mietzner, 2009).

Table 1. Comparison of the Role and Structure of the Indonesian National Army (TNI) Before and After Reformation

Aspects	Before Reform	After Reform
Legal Arrangements	TNI is actively involved in government politics, such as in its role in national development and security.	TNI is strictly regulated by a law that limits its political role (Law No. 34/2004 on TNI).
Structure	It is integrated into ABRI, which possesses dual roles as a military and political organisation.	Separation from ABRI: TNI only serves as a means of national defence and is no longer involved in politics.
Function	It possesses dual functions in national security and politics, such as being involved in strategic decision-making.	It is focused on national defence and assists in disaster and humanitarian relief.
Civic Engagement	It often interacts directly with governments on national planning and security policy.	It is engaged with the government and is more limited and controlled.

Source: This table uses official documents and news articles from Law No. 34 of 2004, Kompas, Tribunnews, and Liputan6 to describe significant changes in the TNI organisation.

After the TNI was reformed and separated from the ABRI in 1999, the role of the TNI was more strictly regulated by law. The TNI currently focuses on its primary function as a means of national defence. This function is defined in Law No. 34 of 2004 on the TNI. This law affirms that the TNI has an important role to play in

national defence, dealing with natural disasters, providing humanitarian assistance, and promoting national resilience.

The TNI is facing debates over amending Law No. 34 of 2004. The bill aims to reorganise the TNI's role in civil society and government structures, focusing on its independence and professionalism. It also introduces the additional position of Deputy TNI Commander, potentially improving military hierarchy but raising concerns about power abuse. The bill also changes the retirement age of TNI members, potentially impacting the availability and quality of human resources and raises questions about the TNI's involvement in civilian positions, a historical issue that has led to debates about the distinction between military and civil society. The following table compares the functions and roles of the TNI in Law No. 34 of 2004 and the TNI in the Amendment Bill to Law No. 34 of 2004 concerning TNI;

Table 2. Comparison of the functions and roles of the TNI in Law No. 34 of 2004 and the Amendment Bill to Law No. 34 of 2004 concerning TNI

Aspects	Law No. 34 Year 2004	Amendment Bill of Law No. 34 the Year 2004
General Arrangements	It regulates the structure, functions, and duties of the TNI.	It updates the regulation on the structure and function of TNI with a focus on professionalism and operational effectiveness.
Position of TNI	In this law, the position of the TNI is established as part of the national defence apparatus coordinated with the civilian government.	In the amendment, TNI's position is emphasised in terms of national defence and its role in supporting national stability and sovereignty.
Operational Role	It stipulates the TNI's authority in military operations and assistance to the government in maintaining security and community involvement.	It adjusts TNI's operational role to modern security challenges and supports disaster management and national development.
Community Involvement	It sets limits on TNI's involvement in civilian affairs, ensuring separation between military and civilian functions.	It re-regulates TNI involvement in civilian positions to ensure no interference with civilian democracy and human rights.
Retirement of military personnel	It sets the retirement age and other benefits for TNI members.	This bill discusses matters related to retirement age and career management of TNI members to

support sustainability and
professionalism in the
institution.

Source: author comprehension result from Law No. 34 of 2004 and Amendment Bill to Law No. 34 of 2004

The table compares the provisions in Law No. 34/2004 concerning the Indonesian National Army (TNI) with its Amendment Bill. The previous law regulated TNI's structure, functions, and duties, established TNI's position as part of the national defence apparatus coordinated with the civilian government, and limited its involvement in civilian affairs to maintain the separation between military and civilian functions. In addition, the old law covered TNI's authority in military operations and security assistance and set the retirement age and benefits for TNI members. Meanwhile, the amendments focus on updating and adjusting TNI regulations to improve its professionalism and operational effectiveness, clarify its role in supporting national stability and sovereignty, adapt TNI's operational role to modern security challenges as well as support for disaster management and national development, and reorganise TNI's involvement in civilian positions to prevent interference with democracy and human rights. In addition, the amendments address the retirement and career management aspects of TNI members to support the sustainability and professionalism of the institution.

A Comparative View Between Indonesian and US Army in Developing Democracy

Democracies prioritise the people's sovereignty, controlling all forms of state power. Civilian supremacy over the military is essential for a democratic society, as all parts of the nation, including the military, are subject to democratic institutions and policies (Huntington, 1957). Objective civilian control refers to military officials' professionalism, influence on political leaders, approval of military autonomy, and military actions. Subjective civilian control involves politicising the military, allowing pro and anti-government views. Civilian politicians should avoid subjective civilian control, as it allows military involvement in politics (Huntington, 1957).

The results of P2P-LIPI's research and other research that specifically discusses civil-military relations in the era of democratic transition after the fall of Soeharto can be compared with civilian and military (TNI) relations in Indonesia. (Araf et al., 2020). The conclusion suggests that despite a new paradigm, the military will not relinquish power. This implies that it will no longer play a political role, preferring minimal civilian interference and often criticised by civilians. Politicians and leaders often support the political interests of the military despite claims of genuine democracy (Riza, 2019) (Mirantie, 2017).

Natural law dictates that once-benefited groups should voluntarily give up, so military reform ought to be supported by all societal groups, stable political systems, and legal products. Civilian interference in the military is not right, and civilians should lay the foundations, including top leadership succession, while lower leadership is accountable to the military. The legal and political system must restore morale for proper military performance. Civil society is not yet ready for democracy; therefore, public control should encourage civilian politicians to follow reform ideals.

ABRI's dual functions, TNI and POLRI, initially aimed to prevent national disintegration but later posed threats to democracy and human rights, namely, entering practical politics and challenging monitoring businesses. (Ichtiari et al., 2024) Therefore, returning ABRI (TNI and POLRI) to its proper position by its nature is one of the reform agendas that was rolled out and fought for at the beginning of the reformation or at the beginning of the fall of the New Order. (Syahrul & Goncing, 2020) MPR Decree No. VI/MPR/2000 states that the socio-political role of ABRI has led to deviations in TNI and National Police roles, resulting in the underdevelopment of democracy (MPR, 2000).

Susilo Bambang Yudhoyono acknowledged the TNI's past mistakes and emphasised the need for reform. He suggested civil society leverage the TNI's desire for self-reform to fundamentally change its role, incorporating these changes into legal products (Dewi Fortuna Anwar dkk., 2002). The TNI's main tasks include army duties, but it also performs auxiliary tasks in the administration of the state, such as organising humanitarian activities, assisting the Indonesian National Police, and actively participating in world peacekeeping operations under the UN flag. However, military involvement in civilian areas should be well-regulated.

Article 5 of the decree regulates the TNI's involvement in state administration, stating that political policies determine TNI duties, it is neutral, upholds law and human rights, and its members do not vote or are not elected. However, Article 30 of the 1945 Constitution does not adequately regulate TNI's role in government, allowing for deviating laws based on political agreements. The Constitutional Court (MK) has the authority to review TNI laws, but the regulation of TNI involvement in civilian activities in the Constitution is not firm. The TAP MPR regulates the TNI's role, but its weak legal position, namely the proper role of the TNI in a law-based democracy, is not legally guaranteed. It has a constitutional mandate to protect Indonesia's integrity and sovereignty, and to ensure that it conducts itself professionally and does not engage politically and economically. However, for the oversight of the BPK (Board of Audit of the Republic of Indonesia), such activities should be included in the state budget (Matraman Raya No & Pusat, 2019).

To ensure the professionalism of the TNI, adequate welfare guarantees have to be provided in the APBN (State Budget). Improving the welfare of the state apparatus is crucial, and incoming leaders should minimise budget leakages to fulfil the needs of

the state apparatus. As observed, during the third wave of democracy, coup attempts against fledgling democracies, with a few exceptions (Nigeria, Haiti, and Sudan), generally failed (Diamond, Larry & Marc F. Plattner, 2001). Democracy progress requires stable economic growth, public order, better education, and support from various sectors. An educated society can make informed decisions and assess situations. The TNI, with formal authority to hold war equipment, influences democracy in Indonesia. However, it can also oppress citizens and maintain power. The nation is obliged to commit to reorganising the TNI for future democratisation.

The Indonesian National Army (TNI) has a long history of military involvement in domestic politics, maintaining political stability and national security. During the post-reform, efforts have been focused on national defence and humanitarian assistance. In contrast, the US Armed Forces are strictly regulated to maintain separation of powers and civilian control over the military (Putra & Lubis, 2022).

Table 3. Comparison of Military Roles and Compliance: Indonesia Army vs. US Army

Comparison Aspect	Indonesian Army	US Army
The Constitution and the Role of the Military	TNI has a history in the constitution that reinforces the role of the military in national security and political stability. Post-reform, there have been efforts to limit TNI's role in politics and focus more on defence and natural disasters.	The US Armed Forces are strictly regulated by the constitution to maintain separation of powers and civilian control over the military.
Protection of Human Rights	The controversial history is associated with human rights violations by the TNI, despite reform efforts to improve compliance with human rights.	The US Armed Forces are subject to strict oversight of human rights compliance, with a system of courts-martial overseeing personnel behaviour.
Involvement in International Operations	TNI has been involved in UN peace missions in several countries, such as Timor Leste and Aceh, as part of Indonesia's international commitments.	The US Armed Forces have an extensive global presence, intervening in international conflicts to defend democracy and human rights.

Compliance with International Law	The TNI has been undergoing a reform process to improve compliance with international law, including the Law of War Convention.	The US Armed Forces have strong legal mechanisms to ensure compliance with international law, such as the Geneva Conventions and the Law of War.
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Source: The author's analysis of various sources on the Constitution, Military Role, Human Rights Protection, International Operations Involvement, and Compliance with International Law.

The Indonesian Armed Forces (TNI) and the US Army have significant differences in terms of constitutional role, human rights protection, international engagement, and compliance with international law. The TNI is more focused on defence and natural disasters, while the US Army is strictly constitutional, subject to strict human rights oversight, and engaged in international peacekeeping missions. To ensure compliance with international law, the US Army has robust legal mechanisms.

Both the TNI and US Armed Forces play crucial roles in supporting democratic principles and human rights but differ significantly in constitution, protection, involvement, and adherence to international law, including Indonesia's involvement in drug-related crimes. (Sobko et al., 2023) Indonesia has a history of human rights violations, especially during conflicts in Timor Leste and Aceh. Despite the reforms, challenges persist in upholding principles. In contrast, the US Armed Forces are subject to strict oversight for human rights protection despite complex operations (Ogi Iskandar, 1970).

In terms of involvement in international operations, TNI is actively involved in UN peace missions and humanitarian aid operations, supporting regional and international stability. This participation reflects Indonesia's commitment to global contributions to peace and security. (Kurniadi, Y U., 2020) The US Armed Forces have an extensive global presence and are frequently involved in military interventions in various countries to defend democracy, protect human rights, and support US national interests on a global scale (Fawwaz et al., 2019). In terms of its compliance with international law, TNI underwent a reform process to improve compliance with international law, including improved implementation of the Law of War Convention. Nonetheless, challenges in maintaining consistency and accountability to international standards remain (Karim, 2017). The US Armed Forces itself has strong legal mechanisms to ensure compliance with international law, such as the Geneva Conventions and the Law of War. Rigorous oversight systems from the US Congress and human rights organisations play a key role in monitoring and ensuring compliance with international legal standards. (Rafiqah, 2023)

If the TNI disregards the principles of democracy and human rights, it can lead to significant consequences, including human rights violations (Caron & Markusen, 2016), erosion of public trust, destabilization of democracy (Michael C. Desch, 2023), heightened social conflict (Susan L. Marquis, 2023), and tarnished international reputation. (Mark F. Schmitt, 2023) Table 4 illustrates the contributions of the Indonesian National Army (TNI) and the United States Armed Forces (US) to developing and protecting human rights and democracy.

Table 4. A Comparison of Contributions to Human Rights Policy and Practice between the Indonesian Armed Forces and the US Armed Forces.

Sub	Indonesia Army	US Army
Policies and Regulations	<ol style="list-style-type: none"> 1. Human rights protection law 2. Health and social regulations 	<ol style="list-style-type: none"> 1. Military law and human rights 2. Security regulations and human rights protected
Education and Awareness	<ol style="list-style-type: none"> 1. Human rights training program for TNI 2. Human rights awareness campaign 	<ol style="list-style-type: none"> 1. Training programs on human rights for the military 2. Public awareness campaigns
Monitoring and Enforcement	<ol style="list-style-type: none"> 1. Independent institution Oversight 2. Enforcement of Violation Cases 	<ol style="list-style-type: none"> 1. Oversight by Independent Agencies & Military Justice 2. Law of Armed Conflict Reports
Victim Support and Protection	<ol style="list-style-type: none"> 1. Legal and medical assistance 2. Witness and Victim Protection Program 	<ol style="list-style-type: none"> 1. Legal and medical assistance programs 2. Witness protection programs

Source: created by the author based on several regulations and other reading materials.

The table compares the contributions of the TNI and the US Army in human rights protection and military policy. The TNI has human rights protection laws and health and social regulations, while the US Army implements military law that takes into account human rights and security regulations. In education, the TNI runs training programs and human rights awareness campaigns, similar to the US Army, which also conducts training and public campaigns. For monitoring and enforcement, the TNI

relies on independent agencies and law enforcement, while the US Army uses independent agencies and the military justice system. Victim support involves legal and medical assistance and witness protection in both armed forces. Despite differences in implementation, both focus on protecting human rights within their respective structures. This table thus provides an overview of the many ways in which TNI and the US Armed Forces contribute to protecting human rights and supporting democracy.

CONCLUSION

The TNI has a vital role that has significant implications for the development of democracy based on law and human rights in Indonesia. Although TNI has a lot to go through, it maintains, respects, and is committed to internal reforms that affirm the rule of law. The passing of Law No. 34/2004 concerning TNI makes the position, roles, and responsibilities of the TNI better and clearer, staying away from politics that may damage the function of the TNI itself and or affect the development of Democracy and Human Rights. The existing regulations are also expected to make TNI even better in the future. The different roles of the Indonesian National Army (TNI) and the United States Armed Forces (US) in supporting democratic principles and human rights are distinct. The differences also lie in their approaches to military integration in democracy and human rights, with important common ground. The author recommends that Indonesia needs to strengthen civilian institutions and ensure transparency in managing military forces to support stronger democratic principles and human rights.

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