



## TAPOL Briefing

Indonesia: Officers in Office.

The proposed insertion of serving military officers into civilian government posts

March 1, 2020

### Introduction

It has been more than two decades since a process of democratic reform was initiated in Indonesia under which the military stepped back from its political role. As part of the reforms, the military were gradually removed both from legislative posts that guaranteed it political representation and also posts in Indonesia's civilian bureaucracy.

However, in 2019, the military indicated its wishes to re-insert serving military officers into the bureaucracy, in Ministries and Departments not directly concerned with military and security affairs. In this briefing, we address this issue by placing it in the context of broader military reform. We argue that, although some reforms after the fall of the New Order regime under President General Suharto were effective, President Susilo Bambang Yudhoyono (2004-2014) avoided committing to further meaningful reforms, by cloaking military influence under the banner of 'professionalisation'.

His successor, President Joko Widodo, has now effectively rowed back on a key plank of earlier reforms by giving his approval for the re-insertion of the military into the bureaucracy. If realised, the proposed policy would significantly increase the military's power and influence, notwithstanding its formal removal from the frontline of politics. It would therefore represent another retrograde step in Indonesia's declining democracy in which the military is playing and is set to play a more prominent role in political and social affairs.

### What has happened?

In January 2019, the Commander of the Armed Forces, General Hadi Tjahjanto, publicly announced that he wanted to see military officers serving in the civilian bureaucracy. He argued that doing so would reduce the number of 'unemployed' serving officers from 500 to between 150-200 officers. The move would require a change to the law governing the Indonesian military.<sup>1</sup> Article 47 part 2 of the current law allows soldiers (prajurit) to occupy positions in a limited number of public institutions concerned with 'politics and the security sector', 'national defence', the Constitutional Court and other areas, on request from those institutions. The proposed revision would allow serving middle- and high-ranking officers (perwira) to work in public institutions not concerned with defence and security.

During February 2019, the proposal was given a negative reception by the Chair of Commission I of Indonesia's House of Representatives (DPR, Dewan Perwakilan Rakyat) and was described as having the potential to cause conflict between military personnel and civilian civil servants by Commission II members.<sup>2</sup> In mid-2019, President Joko Widodo passed a decree<sup>3</sup> that permitted serving military officers to take up "functional" roles in the civilian bureaucracy. The criteria for appointment to these posts in the decree are vague and purport to be based on serving soldiers' objective ability (Article 6, 1) and are structured around

two grades, a senior grade ('jabatan fungsional keahlian'), subject to appointment by the Head of the Armed Forces, and a more junior grade ('jabatan fungsional keterampilan') appointed by either the Head of the Armed Forces or forces' Chief of Staff (the head of each division of the armed forces). The appointments are therefore regulated by presidential decree but they do not require the approval of the President or legislature to confirm them: appointments take place at the discretion of the forces' Chiefs of Staff. In January 2020, reforming the 2004 Military Law - including employing serving officers in the civil service - was put on the legislative agenda for 2020.<sup>4</sup>

### Background to moves to re-insert officers into the bureaucracy

The move to appoint serving military officers in non-security-related civilian posts was developed under New Order rule. During the New Order regime (1966-1998), members of the military were appointed to bureaucratic posts.<sup>5</sup> This policy, called 'kekaryaan', was an important part of maintaining military influence through involvement in 'sociopolitical' as well as military affairs, being part of the military's so-called dual function (dwifungsi) 'doctrine'.<sup>6</sup> 'Kekaryaan', and military involvement in socio-political affairs more generally, was justified because of the alleged lack of ability of civilian bureaucrats. However, the move also had the practical intent of replacing the many serving bureaucrats who were massacred during anti-leftist pogroms<sup>7</sup>, the foundational event of the New Order regime.

After 1998, civilian politicians began to reform dwifungsi, referring to a 'new paradigm' that they intended to implement.<sup>8</sup> This included reducing, then eliminating, the legislative posts which guaranteed the New Order regime majorities in parliament, the DPR and the MPR (Majelis Perwakilan Rakyat), a process which had already commenced to a limited extent in the 1990s.<sup>9</sup> Meanwhile, about 6900 active military officers who were working in the civil service were given either the option of retiring from the military and taking up jobs in the bureaucracy, or resigning their bureaucratic posts to continue their careers in the military.<sup>10</sup> A clear majority, 69 percent, chose the former option<sup>11</sup>, which has been attributed to a desire to enhance their promotional prospects in the bureaucracy, and take advantage of its occupational and extra-occupational benefits, including associating with businesspeople and accumulating wealth.<sup>12</sup>

These opportunities for personal enrichment through bureaucratic posts were in part made possible by decentralisation, which devolved both authority and budgets to local government, and also led to the creation of new provinces and districts (pemekaran), the last province having been created in 2012. In the process, thousands of new bureaucratic posts were created.<sup>13</sup> In contrast, and partly due to a failure of military reform, many military officers awaited promotion within the military, meaning that a 'logjam' developed.<sup>14</sup> In part, then, the civilian bureaucracy is seen as able to accommodate serving officers due to an abundance of posts, even if this is neither realistic nor legal; and indeed not all these new posts are necessarily at senior levels.

Meanwhile, as noted, military reform stalled with important issues left unresolved in the form of military businesses, the military's territorial structure and justice, including trying military officers in civilian courts.<sup>15</sup> As noted above, retired officers became involved in ventures with businesspeople, but the military also owned a network of businesses. The law governing the post-reformasi TNI stipulated that the military had to divest its business interests to the State by October 2009, but civilian politicians failed to compel the military to do this.<sup>16</sup>

A related issue was the military's territorial structure under which it had a substantial presence throughout Indonesia. Even against the move to decentralise, this structure was left intact after 1999 allowing the military to continue to profit from its local businesses (often in resource-rich islands outside Java). Crucially, the military therefore possessed its own administrative structures which mirrored the civilian bureaucracy of

government down to the grassroots level. As noted above, the Yudhoyono administration did declare its intention to produce an alternative to the territorial structure under the banner of a broader 'professionalisation' of the military in 2012 but, although Yudhoyono produced a blueprint for a new structure, it did not dismantle the territorial structure.<sup>17</sup> Indeed, the military was largely left to regulate its own 'reform'.

### Developments under President Joko Widodo

President Joko Widodo (2014-present) initially put human rights on the political agenda during campaigning for the presidency in 2014 and many hoped that military reform would also be given long overdue attention. However, his rule has seen several developments that have contributed to a stronger and more prominent role for the military in its ability to wield power and influence.

First, Widodo made a series of cabinet appointments of retired generals, appointing General (Ret.) Ryamizard Ryacudu as Defence Minister. Previously, Ryacudu was Head of the Armed Forces (2002-2005) under President Megawati Soekarnoputri (in office 2002-2004) and he was known as being a vocal opponent of reform, a defender of the territorial structure and prosecuting war in Aceh in the face of evidence that it was leading to hardship and misery for the population of the province.<sup>18</sup>

In a 2016 cabinet reshuffle, Widodo appointed General Wiranto as Coordinating Minister for Security and Political Affairs. In 2003, Wiranto had been indicted by the UN Special Panels for Serious Crimes for Crimes against Humanity in East Timor. A number of other former retired military figures were also appointed to cabinet.<sup>19</sup> In October 2019, following re-election, Widodo announced other cabinet appointees with military backgrounds. The most prominent among these was the appointment of Prabowo, Widodo's opponent in the 2019 presidential elections. Like Wiranto, Prabowo, who was the son-in-law of former President General Suharto, has an atrocious human rights record, having commanded Kopassus in East Timor, and admitted involvement in the disappearance of activists in 1998.<sup>20</sup>

Through these appointments, Widodo intended to incorporate strategically important political elements in his cabinet<sup>21</sup>, while a network of retired officers (purnawirawan) had already begun to occupy important posts in civilian-led political parties after 2004.<sup>22</sup> But Widodo's presidency has also seen active military officers pronounce on political affairs in a way that they previously did not. For example, in 2017, the Commander of the Armed Forces, General Gatot Nurmantyo, openly denounced democracy as an impediment to the national ideology, Pancasila.<sup>23</sup>

Another important avenue through which the military has expanded its influence is through 'non-war operations' or, as it is described in law, Military Operations Other Than War (MOOTW).<sup>24</sup> This includes making a series of deals directly with government Ministries by signing Memoranda of Understanding (MOUs)<sup>25</sup> to provide 'services' in areas such as health and education (the Ministry of Defence, packed with serving and retired officers, is unsurprisingly unable or unwilling to put an end to this). As noted above, retired military officers have transitioned to bureaucratic roles where they have been able to influence policy and accumulate power and wealth. Moreover, by broadening the scope of its operations under MOOTW, the military has been able to work closely with civilian bureaucracies, a strong indicator that military influence was already considerable among the bureaucracy prior to proposals to insert officers into bureaucratic posts.

## Recommendations:

1. To the Indonesian Parliament: TAPOL strongly urges Indonesian parliamentarians to reject proposals to appoint serving military officers to non-military and security-related roles in the civil service. We furthermore urge policymakers to revise legislation so that an independent civil service watchdog is established to oversee and, if necessary, to veto appointments and promotions of personnel to middle- and high-ranking positions.
2. To civil society organisations: TAPOL encourages civil society to unite and re-double its efforts to check militarism in Indonesian society and to promote and support the process of military reform. Such reforms involve, inter alia, abolishing the military's territorial structure, making comprehensive provisions for the divestment of military businesses, substantially reducing the size of armed forces personnel, and making crimes committed by military personnel subject to trial in civilian courts.
3. To the international community: TAPOL urges the international community to provide support to elements within the Indonesian Government and pro-democracy activists who wish to re-start the process of military reform. Only by re-commencing these difficult reforms will a proper democratic subordination of the military to civilian authorities be realised.

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<sup>1</sup> Undang-Undang Republik Indonesia Nomor 34 Tahun 2004 Tentang Tentara Nasional Indonesia.

<sup>2</sup> The remit of Commission I is Defence, Foreign and Information Affairs; the remit of Commission II is Home Affairs, Regional Autonomy, Administrative Reforms and Agrarian Affairs.

<sup>3</sup> Peraturan Presiden Republik Indonesia Nomor 37 Tahun 2019 Tentang Jabatan Fungsional Tentara Nasional Indonesia.

<sup>4</sup> B. Putri, 'Revisi UU TNI Masuk Prolegnas, Aktivis Desak Reformasi Militer', 25<sup>th</sup> January 2020.

<https://nasional.tempo.co/read/1299587/revisi-uu-tni-masuk-prolegnas-aktivis-desak-reformasi-militer>.

<sup>5</sup> C. Budiardjo, 'Militarism and Repression in Indonesia', Third World Quarterly, Vol. 8, No. 4 October 1986, p.1222.

<sup>6</sup> J. Honna, Military Politics and Democratization in Indonesia. Routledge, 2003.

<sup>7</sup> A. Croissant, D. Kuehn, P. Lorenz, P.W. Chambers, Democratization and civilian control in Asia. Palgrave, 2013, p.99.

<sup>8</sup> Honna op.cit.

<sup>9</sup> Croissant, et al., op cit. p.102. Hence, while 75 of 500 members of DPR members were serving military officers in the period 1997-1999, by the period 2004-2009, military representation in the DPR had fallen to zero.

<sup>10</sup> S. Rinakit, The Indonesian Military After the New Order, NIAS Press 2005, p.153. A further 5547 retired officers worked in the civilian bureaucracy.

<sup>11</sup> The exact number of current military, police and state intelligence officials (Badan Intelijen Negara, BIN) serving in the civilian bureaucracy is unknown. A recent study of Indonesia's civil service did not include these officials. 'Mapping Indonesia's Civil Service' World Bank, Jakarta/Washington, 2018, p.5, n.1.

<http://documents.worldbank.org/curated/en/643861542638957994/pdf/126376-Mapping-Indonesia-Civil-Service-14977.pdf>

<sup>12</sup> Rinakit, op. cit. pp.155-156.

<sup>13</sup> R. Diprose, D. McRae & V. R. Hadiz, 'Two Decades of Reformasi in Indonesia: Its Illiberal Turn', Journal of Contemporary Asia, 49:5, 2019, p.694.

<sup>14</sup> E. Laksmana, 'Reshuffling the Deck? Military Corporatism, Promotional Logjams and Post-Authoritarian Civil-Military Relations in Indonesia' Journal of Contemporary Asia, 49:5, 2019.

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<sup>15</sup> M. Mietzner, *The Politics of Military Reform in Post-Suharto Indonesia: Elite Conflict, Nationalism and Institutional Resistance*, East-West Centre, 2007.

<sup>16</sup> Human Rights Watch, 'Unkept Promise: Failure to end military business in Indonesia', 2010.

<sup>17</sup> A.B. Gunawan, 'Civilian Control and Defense Policy in Indonesia's Nascent Democracy' in A. Croissant and D. Kuehn, *Reforming civil-military relations in New Democracies*, Springer 2017.

<sup>18</sup> J. Roosa, 'Finalising the nation: The Indonesian military as the guarantor of national unity' *Asia-Pacific Viewpoint*, 48:1 April 2007, p.102.

<sup>19</sup> Laksmana, *op. cit.* p.807. The other first-term appointments included General Luhut Pandjaitan (Co-ordinating Minister for Maritime Affairs), General Moeldoko (Chief of Staff) and General Agum Gumelar (Presidential Advisory Board).

<sup>20</sup> For example, Prabowo was mentor to Kopassus member and East Timor militia leader Joanico Cesario Belo. G. Robinson, *East Timor 1999. Crimes Against Humanity. A Report Commissioned by the United Nations Office of the High Commissioner for Human Rights, Hak Association and Elsam, Dili & Jakarta, 2003, p.118.* In the presidential election TV debates in 2019, Prabowo lamented Indonesia's low defence budget. Some months after his electoral defeat, Prabowo met former President Megawati Sukarnoputri, leader of PDI-P, an important partner in Widodo's governing coalition; he was shortly after appointed Defence Minister.

<sup>21</sup> E. Warburton, 'Jokowi and the New Developmentalism' *Bulletin of Indonesian Economic Studies*, 52:3, 2016, p.302.

<sup>22</sup> M.F. Aminudin, 'The Purnawirawan and Party Development in Post-Authoritarian Indonesia, 1998–2014'. *Journal of Current Southeast Asian Affairs*, 36:2, 2017, pp.3–30.

<sup>23</sup> V.R. Hadiz, 'Indonesia's Year of Democratic Setbacks: Towards a New Phase of Deepening Illiberalism?', *Bulletin of Indonesian Economic Studies*, 53:3, 2017, p.263.

<sup>24</sup> Undang-Undang Nomor 34 Tahun 2004 Tentang Tentara Nasional Indonesia, Article 7, 2.

<sup>25</sup> IPAC, 'The Expanding Role of the Indonesian Military'. Report no. 19, 2015.