

The Role of Leadership in Improving Legal Understanding in the Indonesian National Armed Forces

Slamet Haryadi

Universitas Islam Sultan Agung, Indonesia, slametharyadi.jaksa@gmail.com

Article History	Submitted	Revised	Accepted
	2023-07-23	2024-09-02	2024-09-22

Abstract

This study explores the critical role of leadership in enhancing legal understanding within the Indonesian National Armed Forces (TNI). Despite the importance of law enforcement and discipline for TNI's integrity, a gap between legal theory and practice persists. This underscores the need for leadership that instills a robust legal culture within the organization. Using a descriptive-analytical method with a qualitative approach, the study examines the relationship between leadership and legal understanding in the TNI. Data was gathered through document and literature reviews, employing Organization Health Audit (OHA) and Environmental Scanning (ES) to assess legal applications and external influencing factors. The findings reveal that leadership is essential in improving legal understanding and application within the TNI. Leaders who embed legal values into the organizational culture and model compliance effectively foster a consistent law enforcement environment. The study also highlights the need for a meritocratic system in leadership selection to optimize legal application. It recommends strategic steps, including leadership training, improved legal education, enhanced monitoring systems, and increased collaboration with other law enforcement agencies to strengthen legal understanding and compliance, thus reinforcing TNI's professionalism and integrity.

Keywords: Indonesian national armed forces, law understanding, leadership.



© The Author(s) 2024. Published by CV. Strata Persada Academia.

This is an Open Access article distributed under the terms of the [Creative Commons Attribution 4.0 International \(CC BY 4.0\)](https://creativecommons.org/licenses/by/4.0/)

Introduction

Law enforcement and discipline are essential pillars in building and maintaining the strength and integrity of the Indonesian National Armed Forces (TNI). As a state instrument tasked with maintaining the nation's sovereignty, territorial integrity, and safety, the TNI must obey all applicable legal norms¹ and act professionally, proportionally, and accountably in carrying out its duties, especially in the interests of national defense and security.² Therefore, a deep and comprehensive understanding of national and international law is a crucial foundation for every soldier in acting and making decisions in the field.

However, the complexity of field dynamics and the challenges currently faced by the TNI require more structured and systematic efforts to improve legal understanding within the institution. Moreover, research reveals that several TNI members still violate the law.³ This indicates a lack of comprehensive legal understanding. This will actually have the potential to open up loopholes for violations of the law and discipline that can tarnish the institution's good name, even threatening national stability.

This is where the role of broad leadership becomes very crucial.⁴ Leadership should be oriented to achieving tasks alone and have a strong vision and commitment to building a legal culture in the TNI environment. Leadership that can inspire, motivate, and direct all ranks to make the law the commander in every action and decision making.

Although various efforts have been made to improve legal understanding in the TNI environment, several previous studies indicate that there is still a gap between theory and practice in the field. Several studies have shown that there are still cases of violations of the law and discipline committed by individual soldiers, which indicates that internalizing legal values at every level of the organization is not optimal.⁵

Therefore, this study provides a new perspective by delving deeper into the crucial role of insightful and broad-minded leadership in improving legal understanding in the

¹ Fransiscus Aparius Andri Tambunan, "Penyuluhan Hukum Dalam Pencegahan Desersi Dan THTI Di Kalangan Prajurit TNI AD Dan Implikasinya Bagi Ketahanan Organisasi (Studi Di Yonif R 631/Atg Kota Palangka Raya, Provinsi Kalimantan Tengah)," *Jurnal Ketahanan Nasional* 28, no. 3 (December 30, 2022): 297–314, <https://doi.org/10.22146/jkn.78509>.

² S Supriyatna, "MEMAHAMI URGENSI PERADILAN MILITER DARI SUDUT KEPENTINGAN PERTAHANAN DAN KEAMANAN NEGARA," *Jurnal Yuridis* 1, no. 2 (2014): 183–202, <https://doi.org/10.35586/.V1I2.150>.

³ Himmawan Setiawan, Suci Purnomo, and M. Taufik Kurniawan, "Optimalisasi Kinerja TNI Dan Polri Ditinjau Dari Kepemimpinan Transformasional Guna Menghadapi Permasalahan Bangsa Dalam Rangka Terwujudnya Stabilitas Nasional," *INOVASI* 11, no. 1 (June 1, 2024): 79–87, <https://doi.org/10.32493/Inovasi.v11i1.p79-87.39725>.

⁴ Kristanto Setio Hari Purnomo and Andi Wahyu Saputra, "Leadership Implementation Analysis As Brand Image in Military Organizations: Evidence from Indonesia," *JURNAL AL-QARDH* 7, no. 2 (December 28, 2022): 124–34, <https://doi.org/10.23971/jaq.v7i2.5854>.

⁵ Bambang Slamet Eko Sugistiyoko, "Hukum Disiplin Prajurit Tentara Nasional Indonesia/Militer Pada Komando Distrik Militer 0807/ Tulungagung," *Yustitiabelen* 3, no. 1 (2017): 39–60, <https://doi.org/10.36563/YUSTITIABELEN.V3I1.130>; Sarjono Sarjono and Umar Ma'ruf, "Legal Analysis Of Authority On Military Judges In Judging Of Indonesian National Army (TNI)," *Law Development Journal* 3, no. 2 (August 9, 2021): 371, <https://doi.org/10.30659/ldj.3.2.371-377>; Alvaro David, Gabriel Dumais, and R Rahaditya, "Implementasi Pemberatan Pidanaan Terhadap Anggota TNI Yang Melakukan Tindak Pidana Asusila," *UNES Law Review* 5, no. 4 (June 25, 2023): 2974–82, <https://doi.org/10.31933/UNESREV.V5I4.629>.

TNI. This study will comprehensively examine how a visionary, transformational, and integrity-based leadership style can encourage the creation of a solid and deep-rooted legal culture in the TNI environment.

This study aims to analyze in depth how insightful and broad-minded leadership plays a role in improving legal understanding in the TNI environment. This study is expected to provide theoretical benefits by enriching the body of knowledge in military leadership and military law, as well as practical benefits for stakeholders in the TNI environment as material for evaluating and improving strategies in building a solid and integrity-based legal culture in the TNI.

METHOD

This study uses a descriptive-analytical research type that aims to provide a comprehensive and integral picture of the role of insightful leadership in improving legal understanding in the Indonesian National Army (TNI). The approach used in this study is a qualitative approach to gain a deep understanding of the relationship between leadership and legal understanding in the TNI. The method used is the Organization Health Audit (OHA) to evaluate the organization's health in applying law and discipline, and Environmental Scanning (ES) to identify external factors that influence the application of law. The data used in this study are secondary data collected using document and literature review methods and analyzed using descriptive analysis techniques to identify effective leadership patterns in improving legal understanding.

RESULT AND DISCUSSION

The Role of Leadership in Improving Legal Understanding in the TNI

TNI is a state apparatus with an important role and task in implementing the state defense system in the military, in this case, the Indonesian National Army.⁶ Therefore, TNI must have adequate legal understanding. Because based on research results, a TNI must be mentally disciplined, persistent, obey all applicable laws and regulations, believe in their abilities, be resilient, and never give up in the face of difficulties.⁷

Therefore, in this study, findings based on the Organizational Health Audit (OHA) show that leadership quality greatly influences law implementation in the TNI environment.⁸ Leaders who can integrate legal values into the organizational culture effectively can create an environment that supports the consistent implementation of law. Not only that, but the study also revealed

⁶ Niken Subekti Budi Utami and Supriyadi, "Yurisdiksi Peradilan Terhadap Prajurit Tentara Nasional Indonesia Sebagai Pelaku Tindak Pidana," *Yustisia Jurnal Hukum* 3, no. 2 (August 3, 2014): 100-107, <https://doi.org/10.20961/yustisia.v3i2.11102>.

⁷ Bill Clinton Manurung, Agung Risdhianto, and Surrachman Surjaatmadja, "Implementation Of Army Leadership In Increasing The Behavior Of Defending The State," *JISIP (Jurnal Ilmu Sosial Dan Pendidikan)* 7, no. 2 (June 7, 2023): 1801-6, <https://doi.org/10.58258/JISIP.V7I2.5044>.

⁸ Dyah Anissa Rehardiningtyas, Mochammad Ferdion Firdaus, and Sulistyanto Sulistyanto, "Kompetensi Kepemimpinan Militer Di Era Society 5.0," *Jurnal Kewarganegaraan* 19, no. 2 (September 27, 2022): 126, <https://doi.org/10.24114/jk.v19i2.35229>.

that leadership in the TNI is critical because it can also form subordinates who obey the law and the tasks of their superiors.⁹

Not only that, the results of the Environmental Scanning (ES) research also highlight external factors that influence law implementation in the TNI. Socio-political conditions, regulatory changes, and international dynamics are some aspects that must be taken into account by the TNI leadership. A leader with broad insight must be able to anticipate these changes and direct his staff to remain steadfast to legal principles even when faced with external challenges. Based on the research findings, military institutions need adaptive and proactive leadership in considering external factors such as socio-political conditions and international dynamics to understand and implement effective law in the TNI.¹⁰

TNI members must uphold all applicable laws and regulations, military norms, and other binding rules when carrying out their primary duties. This is because discipline and legal order are absolute things that every citizen, especially members must possess.¹¹

Challenges in Improving Legal Understanding in the TNI

Improving legal understanding in the Indonesian National Armed Forces (TNI) is crucial in strengthening the integrity and professionalism of the military institution. Although various efforts have been made to improve legal knowledge among soldiers, significant challenges still arise, as can be seen from the many cases involving the TNI in law violations. As with the public, most TNI soldiers do not fully understand the applicable laws and regulations.¹² This is because, among other things, TNI members do not understand the law. This is because there are several challenges. In this study, several main challenges in improving legal understanding in the TNI will be described, as well as their relationship to the cases that occur.

1. The Gap between Legal Theory and Practice

One of the main challenges is the gap between the legal theory taught and legal practice in the field. Although legal education has been provided through various trainings, its application is often not in accordance with what has been learned. This is reflected in various legal violations in the TNI environment, such as abuse of authority and corruption. This gap shows the need for a more practical approach to ensure that the legal understanding obtained can be applied consistently in real situations.

⁹ Muhammad Akbar and Nahdiana Nahdiana, "Peningkatan Kedisiplinan Prajurit Melalui Pola Komunikasi Kepemimpinan Militer," *Journal of Communication Sciences (JCoS)* 5, no. 2 (June 10, 2023): 95–104, <https://doi.org/10.55638/jcos.v5i2.553>.

¹⁰ Ali Asghar Modaber, "Analyzing the Approach of International Organizations Regarding Leadership in the International Legal System," *Baharestan Scientific Research Quarterly Journal*, January 1, 2024, 119–33, <https://doi.org/10.61438/bsrqj.v1i1.60>.

¹¹ Tambunan, "Penyuluhan Hukum Dalam Pencegahan Desersi Dan THTI Di Kalangan Prajurit TNI AD Dan Implikasinya Bagi Ketahanan Organisasi (Studi Di Yonif R 631/Atg Kota Palangka Raya, Provinsi Kalimantan Tengah)."

¹² Tumbur Palti D. Hutapea, "Eksistensi Bantuan Hukum Terhadap Prajurit TNI Sebagai Pelaku Tindak Pidana Dan Praktiknya," *Jurnal Hukum Dan Peradilan* 5, no. 3 (November 30, 2016): 371–90, <https://doi.org/10.25216/jhp.5.3.2016.371-390>.

2. Leadership Patterns and Job Placement

The leadership pattern and job placement system in the TNI also affect the understanding of the law of soldiers. Job placement is not based on a merit system and tends to be subjective, which can cause individuals with less understanding of the law to be in strategic positions. This can result in inconsistent law enforcement and has the potential to cause violations of the law in the future. Reform in leadership patterns and job placement is needed to improve the understanding and application of the law in the TNI environment.

3. Quality of Legal Education and Training

The quality of legal education and training in the TNI is also a significant challenge. Legal education is often inadequate in covering practical aspects relevant to field duties. The existing curriculum may not constantly be updated by the latest legal developments, leaving soldiers less prepared to deal with complex legal situations. These weaknesses can contribute to violations of the law among TNI soldiers.

4. Limitations of the Monitoring and Evaluation System

The monitoring and evaluation system in implementing the law in the TNI still faces various obstacles. Weak internal monitoring and ineffective evaluation contribute to low compliance with the law in the TNI environment. These limitations allow for violations of the law that should have been prevented. Therefore, improvements in the monitoring and evaluation system are needed to ensure the law's implementation can be better monitored and evaluated.

CONCLUSION

From the research results, it can be concluded that broad-minded and high-integrity leadership plays a vital role in improving the understanding and application of law in the TNI environment. The main findings show that leadership that can integrate legal values into the organizational culture and be a role model in legal compliance effectively creates an environment that supports the consistent application of law. In addition, external dynamics such as socio-political conditions and regulatory changes require adaptive leadership to anticipate these changes and address the gap between the legal theory taught and practice in the field. A meritocratic system in job placement is also crucial so that competent and highly integrated individuals can occupy strategic positions, supporting the optimization of legal applications.

Based on these conclusions, several strategic steps are suggested to improve the understanding and application of law in the TNI. First, strengthen the role of leadership by developing training programs that focus on character building, integrity, and high commitment to law enforcement. Second, legal education and training quality can be improved by periodically updating the curriculum, integrating case studies and field simulations, and involving legal practitioners in learning. Third, the monitoring and evaluation system should be strengthened with a stricter, more transparent, and accountable mechanism, and a fair and consistent reward and punishment system implemented. Finally, synergy and coordination with other law enforcement agencies should be improved to improve the effectiveness of law enforcement within the TNI. Integrated implementation of these recommendations is expected to improve understanding and compliance with the law and strengthen the professionalism and integrity of the TNI institution.

REFERENCES

- Akbar, Muhammad, and Nahdiana Nahdiana. "Peningkatan Kedisiplinan Prajurit Melalui Pola Komunikasi Kepemimpinan Militer." *Journal of Communication Sciences (JCoS)* 5, no. 2 (June 10, 2023): 95–104. <https://doi.org/10.55638/jcos.v5i2.553>.
- Budi Utami, Niken Subekti, and Supriyadi. "Yurisdiksi Peradilan Terhadap Prajurit Tentara Nasional Indonesia Sebagai Pelaku Tindak Pidana." *Yustisia Jurnal Hukum* 3, no. 2 (August 3, 2014): 100–107. <https://doi.org/10.20961/yustisia.v3i2.11102>.
- David, Alvaro, Gabriel Dumais, and R Rahaditya. "Implementasi Pemberatan Pemidanaan Terhadap Anggota Tni Yang Melakukan Tindak Pidana Asusila." *UNES Law Review* 5, no. 4 (June 25, 2023): 2974–82. <https://doi.org/10.31933/UNESREV.V5I4.629>.
- Hutapea, Tumbur Palti D. "Eksistensi Bantuan Hukum Terhadap Prajurit Tni Sebagai Pelaku Tindak Pidana Dan Praktiknyanya." *Jurnal Hukum Dan Peradilan* 5, no. 3 (November 30, 2016): 371–90. <https://doi.org/10.25216/jhp.5.3.2016.371-390>.
- Manurung, Bill Clinton, Agung Risdhianto, and Surrachman Surjaatmadja. "Implementation Of Army Leadership In Increasing The Behavior Of Defending The State." *JISIP (Jurnal Ilmu Sosial Dan Pendidikan)* 7, no. 2 (June 7, 2023): 1801–6. <https://doi.org/10.58258/JISIP.V7I2.5044>.
- Modaber, Ali Asghar. "Analyzing the Approach of International Organizations Regarding Leadership in the International Legal System." *Baharestan Scientific Research Quarterly Journal*, January 1, 2024, 119–33. <https://doi.org/10.61438/bsrqj.v1i1.60>.
- Purnomo, Kristanto Setio Hari, and Andi Wahyu Saputra. "Leadership Implementation Analysis As Brand Image in Military Organizations: Evidence from Indonesia." *JURNAL AL-QARDH* 7, no. 2 (December 28, 2022): 124–34. <https://doi.org/10.23971/jaq.v7i2.5854>.
- Rehardiningtyas, Dyah Anissa, Mochammad Ferdion Firdaus, and Sulistyanto Sulistyanto. "Kompetensi Kepemimpinan Militer Di Era Society 5.0." *Jurnal Kewarganegaraan* 19, no. 2 (September 27, 2022): 126. <https://doi.org/10.24114/jk.v19i2.35229>.
- Sarjono, Sarjono, and Umar Ma' ruf. "Legal Analysis Of Authority On Military Judges In Judging Of Indonesian National Army (TNI)." *Law Development Journal* 3, no. 2 (August 9, 2021): 371. <https://doi.org/10.30659/l dj.3.2.371-377>.
- Setiawan, Himmawan, Suci Purnomo, and M. Taufik Kurniawan. "Optimalisasi Kinerja TNI Dan Polri Ditinjau Dari Kepemimpinan Transformasional Guna Menghadapi Permasalahan Bangsa Dalam Rangka Terwujudnya Stabilitas Nasional." *INOVASI* 11, no. 1 (June 1, 2024): 79–87. <https://doi.org/10.32493/Inovasi.v11i1.p79-87.39725>.
- Sugistiyoko, Bambang Slamet Eko. "Hukum Disiplin Prajurit Tentara Nasional Indonesia/Militer Pada Komando Distrik Militer 0807/ Tulungagung." *Yustitabelen* 3, no. 1 (2017): 39–60. <https://doi.org/10.36563/YUSTITABELEN.V3I1.130>.
- Supriyatna, S. "Memahami Urgensi Peradilan Militer Dari Sudut Kepentingan Pertahanan Dan Keamanan Negara." *Jurnal Yuridis* 1, no. 2 (2014): 183–202.

<https://doi.org/10.35586/.V1I2.150>.

Tambunan, Fransiscus Aparius Andri. "Penyuluhan Hukum Dalam Pencegahan Desersi Dan THTI Di Kalangan Prajurit TNI AD Dan Implikasinya Bagi Ketahanan Organisasi (Studi Di Yonif R 631/Atg Kota Palangka Raya, Provinsi Kalimantan Tengah)." *Jurnal Ketahanan Nasional* 28, no. 3 (December 30, 2022): 297-314. <https://doi.org/10.22146/jkn.78509>.