

Low Quality of Legislation in Indonesia (Case Study of the Draft TNI Law)

Erin¹, Juwerda ², Marcelina Ruth Rahail ³, Zafira Haya Azizah, ⁴, Kevin Philip ⁵

¹ Political Science Study Program
Faculty of Social and Political Sciences
University of Brawijaya

ABSTRACT

Background. The low quality of legislation in Indonesia is exemplified by the ratification process of the TNI Bill, which lacked transparency and public participation. Key legislative quality criteria—such as strategic planning (Prolegnas), academic grounding, inclusive discussions, and post-ratification evaluation—were not met, revealing systemic weaknesses in legislative practices.

Purpose. The paper aims to propose an innovative solution to improve legislative quality in Indonesia by strengthening public participation. It suggests the use of online petitions as a tool to enhance transparency and citizen involvement in the legislative process.

Method. This research employs a qualitative, solution-oriented approach by analyzing existing online petition platforms, particularly Change.org in Indonesia. It incorporates comparative insights from South Korea, which has implemented successful public participation models using online petitions, and suggests adapting those practices to the Indonesian context.

Results. The study finds that Indonesia already has access to online petitions via Change.org, but their potential remains underutilized. The paper proposes optimizing this platform as a formal mechanism for public input in the legislative process, following successful design and engagement models from South Korea.

Conclusion. The TNI Bill's ratification lacked transparency, public participation, and alignment with legislative planning, reflecting a low-quality legislative process. To improve future policymaking, Indonesia should adopt online petition mechanisms, inspired by South Korea, by optimizing platforms like Change.org under a clear legal framework to ensure transparency and accountability.

KEYWORDS

Quality of legislation, TNI Bill, public participation, South Korea, online petition

REI WORDS

INTRODUCTION

Legislation in theory legisprudence understood as a legal product that goes through a series of complex political processes (Putuhena, 2012). As a political process, legislation is an activity of political institutions that then produce policies and practical politics. Generally, policies resulting from the political process are influenced by practical politics, where political actors behind political institutions tend to act based on pragmatic interests; either

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Correspondence:

Erin,

eriinnn261@student.ub.ac.id

Received: July 12, 2025 Accepted: July 15, 2025 Published: July 31, 2025 to maintain power, expand influence, or fulfill the agenda of a particular group. Therefore, in reality, policies that are truly oriented towards the public interest (public interest policy) tend to rarely be realized.

On the other hand, partisan policies—namely policies designed to fulfill the interests of a particular group (particularistic interest)—are more dominant in the legislative process. Still in Putuhena (2012), as a legal process, legislation is not only a formal activity of forming laws and regulations, but also a responsive mechanism that must refer to community aspirations, social needs, and empirical problems, while complying with established legal procedures. The quality of this legislative process is operationally measured through four crucial activities, namely the quality of the prolegnas as a strategic planning instrument, the quality of academic manuscripts as an epistemological basis, the quality of the discussion of draft laws (RUU) which includes public participation and harmonization of norms, and evaluation of legislation to test the effectiveness of implementation. Meanwhile, Xanthaki (in Nalle & Kristina, 2020) stated that achieving the quality of legislation can be done if the drafters of the law adhere to virtues in drafting the law. These virtues include the ability of the law to achieve the desired results, the conformity of behavior with legal norms in the law, efficiency which includes clarity, accuracy, and unambiguity, as well as simplicity of language and gender bias.

In Indonesia, the low quality of legislation is reflected (among others) in the ratification of the controversial TNI Bill, during the administration of President Prabowo Subianto. Reported from news.ums, the Civil Society Coalition claims that the ratification of the TNI Bill did not involve public participation, and its discussion was even held behind closed doors at the Fairmont Hotel on March 15, 2025. In addition to minimal participation and transparency for the public, the TNI Bill was actually not included in this year's National Legislation Program and was decided to be included without consideration by the Legislative Body. The absence of official publication regarding the draft TNI Bill by the Indonesian House of Representatives also increasingly places the public in a position where they cannot participate meaningfully.

Riswanto (2016) sees the problem of the low performance of the Indonesian House of Representatives in legislative productivity influenced by extreme multi-partyism so that the Indonesian House of Representatives prioritizes the function of executive oversight performance and the low discipline of DPR members in utilizing their time. To overcome these problems, Riswanto said that a legal political strategy is needed by changing the political direction from agent/delegate to trustee, eliminating the function of factions in the Indonesian House of Representatives, balancing the role and function of the Indonesian House of Representatives with the Indonesian House of Representatives, accommodating the president's veto rights, increasing public participation, and making the cost of making laws more effective.

On the other hand, Yusa and Hermanto (2022) believe that improving the quality of legislation can be done by improving preventive and evaluative mechanisms for legislative and regulatory products. South Korea has started a reform agenda in the last two decades and has succeeded in improving the quality of its regulations and legislation by arranging preventive and evaluative mechanisms accompanied by institutional arrangements, methods, systems, and various ambitious agendas including mass regulatory simplification. This target-oriented approach through a top-down method under strong political support has proven effective in achieving progress.

Eleven problem factors or obstacles that can then become the basis for alternative considerations for the arrangement of preventive and evaluative mechanisms for improving the quality of national legislation and regulations: (1) deviations from the constitution and Constitutional Court decisions; (2) design errors in the constitution and laws; (3) weak and uncoordinated roles of ministries and other institutions in terms of conducting regulatory evaluations; (4) the absence of a single national regulatory institution/agency; (5) the application of legal transplantation with new regulatory/legislative methods; (6) planning policy instruments that are not yet in line and are still separate; (7) various regulations that are produced/determined tend to be problematic; (8) low levels of public participation (including low general understanding); (9) disharmony and overlap caused by the many available mechanisms; (10) differences between central and regional government programs that give rise to many 'problematic regulations'; (11) there is no consistent grand design, made worse by the absence of implementing regulations as a follow-up to a number of crucial laws.

Based on the phenomena and problems that have been described, this paper aims to design innovative solutions to improve the quality of legislation in Indonesia through strengthening public participation based on online petitions, by adapting best practices from South Korea. This paper presents a comprehensive analysis of structural problems in the legislative process in the Indonesian House of Representatives and offers a policy design model that combines digital participation mechanisms with lessons learned from the success of the South Korean e-petition system. Through this approach, it is hoped that a more responsive, transparent, and accountable legislative framework can be created in Indonesia.

RESEARCH METHODOLOGY

This study uses a qualitative descriptive method with a case study approach to analyze the shortcomings in Indonesia's legislative process, particularly focusing on the ratification of the TNI Bill. The research investigates the lack of transparency, public participation, and adherence to legislative quality standards in the drafting process (Yin, 2018).

The case of the TNI Bill is examined using document analysis and comparative study. Data sources include government documents, media reports, academic literature, and online petition platforms. To strengthen the analysis, the study draws on best practices from South Korea, especially regarding the integration of online petition systems in formal legislative procedures (Kim, 2002).

The study also evaluates the current use of Change.org in Indonesia and explores how it could be optimized to enhance participatory lawmaking. This methodological approach allows the researchers to identify institutional gaps and propose reform-oriented solutions that are both practical and contextually relevant.

RESULT AND DISCUSSION

Problems in the TNI Bill Legislation Process

The legislative process of the TNI Bill has drawn much sharp criticism due to the inconsistency with the parameters of legislative quality measured through four very crucial activities. First, the quality of the Prolegnas as a strategic planning instrument was not met, because the Planning for the revision of the TNI Law in the 2025 Prolegnas was carried out illegally, thus contradicting Article 1 Paragraph (2), Article 1 Paragraph (3), Article 20, and Article 22A of the 1945 Constitution, the P3 Law, and the DPR Rules of Procedure. This was because the decision to include the Revision of the TNI Law was not included in the agenda of the plenary meeting on February 18, 2025. However, suddenly, the Chair of the Session Adies Kadir (Deputy Chair of the DPR from the Golkar Party Faction) asked for the approval of the DPR members present at the plenary meeting to approve the inclusion of the Revision of the TNI Law in the 2025 Priority Prolegnas (Advocacy Team for Security Sector Reform, 2025). In fact, Prolegnas functions as a roadmap to ensure that legislation is responsive to the needs of society and coherent with the national development agenda (Risnain, 2015). This hasty process, which took only a month to pass, resembles the case of the Job Creation Law, which was declared procedurally flawed by the Constitutional Court due to the lack of in-depth analysis and public participation (Hasbi, 2024). This haste not only sacrifices the quality of legislation, but also strengthens the perception that the DPR ignores the principle of openness.

Public participation in the DPR legislative process, including the revision of the TNI Law, was almost absent. Second, crucial documents such as the Academic Manuscript and the Problem Inventory List (DIM) were not officially disseminated, violating Article 95 of the P3 Law which guarantees the public's right to access draft regulations (Advocacy Team for Security Sector Reform, 2025). Searches on the DPR, BPHN, and official websites of the Ministry of Defense websites show that the academic manuscript of the TNI Bill was not published properly (Fathoni et Adhyayana | Vol. 1 | No. 1 | 2025

al., 2025). The academic manuscript should be the rational basis for policy that includes philosophical, legal, and sociological analysis (Gusman, 2011). Without a strong epistemological foundation, the TNI Bill risks creating norms that are counterproductive to democratic principles. Third, the process of discussing the TNI Bill is considered to have minimal public participation and transparency. The TNI Law discussion meeting was held behind closed doors, without involving civil society, academics, or other related parties. This emphasizes the practice of abusive lawmaking which is contrary to Article 28D and Article 28F of the 1945 Constitution. Moh. Indra Bangsawan, a legal academic, emphasized that this haste forces the public to accept the results without meaningful involvement, an irony in democracy (Bangsawan, 2025). The low level of political literacy in society worsens the situation, limiting participation to elite groups and ignoring the aspirations of marginalized groups (Maritah et al., 2023). The online petition rejecting the revision of the TNI Law, signed by more than 12,000 people on March 18, 2025, reflects public concern over the exclusive legislative process (Advocacy Team for Security Sector Reform, 2025).

Fourth, the absence of adequate legislative evaluation prior to the ratification of the TNI Bill underscores substantial weaknesses in the mechanism for testing the effectiveness of law implementation in Indonesia. According to Komnas HAM, especially through External Deputy Chair Abdul Haris Semendawai, the revision of the TNI Law was not preceded by a comprehensive evaluative study of Law Number 34 of 2004 which has been in effect for the past two decades. Such a comprehensive evaluation is essential to identify the need for changes that are truly urgent and relevant to the dynamic development of the strategic and social environment (Purnamasari, 2025). The substance of the revision of the TNI Law raises serious concerns about the decline of democracy. Article 47 expands the number of ministries and institutions that can be filled by active TNI soldiers from 10 to 14-16 agencies, including the National Border Management Agency and the Ministry of Maritime Affairs and Fisheries. This change contradicts the post-1998 TNI reform agenda, which aims to separate the military from politics and business in order to create a professional TNI (Advocacy Team for Security Sector Reform, 2025). The expansion of the military's role has the potential to revive ABRI's dual function, weaken civilian supremacy, and increase the risk of impunity, as active soldiers involved in common crimes will still be tried in military courts. The revision also allows for the extension of the service period of high-ranking officers, such as Navy Chief of Staff Admiral Muhammad Ali, who was supposed to retire under Law 34/2004, prompting criticism that the revision serves the interests of the military elite.

The influence of oligarchies and political dynamics complicate the legislative process. The "joint consent" provision between the DPR and the president gives the executive an effective veto, often hampering the discussion of sensitive laws such as the revision of the TNI Law (Nagaoka, 2022). The large coalition supporting the government allows oligarchic groups to maintain Adhyayana | Vol. 1 | No. 1 | 2025

influence through closed-door negotiations, as seen in the ratification of the 2017 Election Law. The lack of independence of DPR members, who are bound to party lines due to the threat of dismissal, weakens the DPR's oversight function as a counterweight to executive power. In the revision of the TNI Law, lobbying by military and business elites allegedly influenced articles that expanded the TNI's economic activities, such as asset management, raising concerns about uncontrolled military power.

The legacy of Soeharto-era authoritarianism continues to haunt the DPR. At that time, the DPR functioned as a "rubber stamp" for presidential policies, weakening its capacity to produce critical legislation. The 1999–2002 constitutional reforms failed to address this structural weakness, with the "mutual consent" provision limiting the DPR's independence (Nagaoka, 2022). Articles of the revised TNI Law that expanded the role of the military were seen as echoing authoritarian policies, exacerbating the perception of the DPR as an unrepresentative institution. The DPR's limited institutional capacity, coupled with its reliance on external consultants and minimal use of information technology for coordination or public consultation, hampered efficiency and transparency. Thus, the revised TNI Law illustrates the DPR's systemic failure to carry out its constitutional functions, underscoring the need for comprehensive reform to ensure democratic, inclusive, and public interest-oriented legislation.

PenLegislative Quality Improvement: Reflecting on the South Korean Parliament

Reflecting on South Korea, which has succeeded in improving the quality of legislation, this improvement can be seen from various reform agendas in the last two decades which have shown significant results. South Korea uses preventive and evaluative mechanisms, accompanied by institutional arrangements, methods, systems, and various other agendas, especially in responding to the ongoing economic crisis (Yusa & Hermanto, 2022).

Broadly speaking, South Korea and Indonesia have the same legislative process pattern, where the role of executive policy and government apparatus becomes very important. The steps taken by South Korea The first in 1981 to the mid-1990s, the South Korean government began to carry out administrative reform and deregulation. The South Korean government formed two organizations for the reform, namely the presidential committee for administrative reform and the deregulation committee through a presidential decree. The BAAR Law (on administrative regulations) adopted by South Korea since 1997 with the aim of improving national competitiveness and quality of life by eliminating ineffective laws, through this law the South Korean government aims to consolidate the most effective regulatory reform steps, tools and initiatives under one central authority that has adequate jurisdiction.

During the financial crisis in the mid-1990s, South Korea With its regulatory reforms cut about 50% of regulations on public services, especially those related to investment, this Adhyayana | Vol. 1 | No. 1 | 2025

simplification was carried out quickly and massively, so it is known as the 'Guillotine' approach. An important factor in the success of this reform was the full support of the president who instructed all agencies under him to reduce the regulations in their hands below 50%. This directive achieved the success of the reform of the regulations made.

South Korea Has undergone two stages, 1). The first stage of massive deregulation in 1989-2002 to overcome the global economic crisis, by following up on the Administrative Regulation Act (1997) and implementing reforms by implementing regulations. During the leadership of Kim Daejung (1998-2003) the president worked with the regulatory reform committee (PRC) with the aim of improving the quality of existing regulations and future regulations by using the authority to review in accordance with PRC Law. implemented by implementing the Business Unity and Business Activity Reporting (BAAR) program which has been in effect since March 1998, focusing on regulating the regulatory system.

Then in late 1998 foreign investment promotion was reinstated to recreate a favorable investment climate and to increase foreign investment. Investment-related laws were relaxed, laws for the promotion of digitalization of administrative affairs were passed in order to improve the efficiency and transparency of public administration. continued with the enactment of the E-Government system in 2003 which included all administrative processes carried out online. 2). the second stage began in 2003 to improve regulatory standards, by setting 10 strategic areas to be prioritized, ease of review of existing regulations, in this second stage unlike the previous one which targeted 50%, this second stage has determined the target, the third South Korean government began implementing Regulatory Impact Assessment (RIA) by establishing a research institute with trained professionals and training programs adjusted, the regulatory reform committee acts as the central institution, which controls reform instruments, regulatory evaluation and regulatory assessment procedures. fourth the recent government administration has shown a focus on cultural reform and other regulatory regulations. then in the Park Geun-Hye government (2013-2017) regulations were emphasized to revitalize the economy and increase employment. in this era a two-stream approach was used for regulatory reform including promoting regulations relevant to public safety and health and eliminating regulations that hinder economic resilience.

In the past two decades, regulatory simplification carried out by South Korea has proven to be very effective, especially in dealing with the ongoing economic crisis. This simplification highlights two main objectives: reducing the number of regulations to create greater proportionality and building a framework for the introduction of more flexible regulations to respond to market dynamics. The use of a targeted and top-down strategy supported by great political will has produced unexpectedly good results. Apart from this, the regulatory reforms carried out continuously have reduced various financial barriers and gaps.

From South Korea's experience, it can be learned that a. creating a global civil society coalition for regulatory reform that avoids subjective evaluation can prevent political divisions that can lead to unsustainable reform agendas, b. establishing a permanent mechanism for regulatory reform that takes into account conflicting interest groups based on the formation of bureaucracies and related organizations in the field of regulatory reform, c. aligning regulatory reform with the objectives of government reform and budget reform can help drive changes in the operations of government institutions, and facilitate natural adjustments in staff and budgets to support permanent and active regulatory reform (Luh et al., 2023).

The use of E-Government by South Korea since 2003 proves that the development of information technology used in South Korea has been very advanced, this includes government transparency to the public regarding the policies issued. The public has access to this public information, so that the public can understand and assess government policies, transparency in policies builds public trust in the government (Pratama et al., 2024), with this access when a policy conflicts with the needs of the community, the public can sign a petition rejecting or opposing a policy, which if the issue is big enough, it could influence the decisions that will be issued by parliament (either before the policy is issued or after the policy is issued). so that e-petitions become a way to provide space for the public to interrupt the South Korean government.

Solution DesignImproving the Quality of Legislation

Based on the problems of parliament in Indonesia, the decline in the quality of legislation is evidenced by the strengthening of the active role of the military in the civil sphere whose creation is not qualified and does not pay attention to public participation, academic manuscripts as an epistemological basis, or prolegnas. Based on this, there are several designs that the group has proposed in order to improve the quality of legislation, namely by increasing public participation in the design of Online Petition solutions as an evaluative step to improve the quality of legislation in Indonesia. Along with the development of the era and technology, public participation can be carried out not only through direct representatives which can be done through protests and criticism and conveying aspirations in public through virtual petitions on online platforms. Change.org This acts as a forum to accommodate public complaints or complaints to the government or institutions, to seek changes or policy making, to help include petitioned issues into the petition target agenda, namely the government as a policy maker. In Indonesia itself, online petitions Change.org (Wahyu & Wisnu, 2021) has become one way to open up and encourage people to be more courageous in expressing their opinions and solutions to problems in the public sector. Public issues have been carried out from 2012-2020, public issues that are classified as popular include: Omnibus Law Bill (2,315,333 signatures); Covid 19 pandemic (1,733,515 signatures); environment (730,967 signatures); freedom of expression (391,196 signatures); sexual violence (222,234 signatures); Adhyayana | Vol. 1 | No. 1 | 2025

criminal justice (210,192 signatures); social security (170,771 signatures) and anti-corruption (148,500 signatures). With the increasing use of online petitions from year to year, it can be concluded that the quality of legislative institutions in conveying people's aspirations and needs is still lacking. However, of the many public issues that have gained high popularity, only two of them have succeeded in influencing policies, namely the Omnibus Law Bill and the Covid 19 Pandemic. Therefore, online petitions need to be optimized to be able to suppress government policies that pay little attention to public participation. For that, we chose to optimize Online Petitions by following the layout Change.org. The design of the online petition solution is made and issued by the government, this is intended to prevent data leakage and data retrieval from external parties. Online petitions need to be optimized so that they can have a big influence and can be responded to and reviewed by the Indonesian government. Optimization and things that can be adopted in online petition services can start from big issues or themes (such as the environment, human rights, animals, criminal justice, women's rights, economic justice, to education). Then for the security system itself, it can adopt from the security system Change.orgsuch as bot and spam detectors to prevent fake signatures, duplicate email usage and signatory location verification.

Furthermore, the next step that needs to be considered is the need to create a legal umbrella regarding online petitions. In fact, in Indonesia itself there are rights that regulate Human Rights, namely in Law No. 39 of 1999, Article 44 (Pengayoman Legal Aid Institute, 2022) which reads "Everyone has the right to submit opinions, requests, complaints, and/or efforts to the government individually or together in the context of implementing a clean, effective, and efficient government, both verbally and in writing in accordance with the provisions of the Law" (Pengayoman Legal Aid Institute, 2022) In additionPetitions themselves have actually been regulated in various laws and regulations in Indonesia, including Law Number 18 of 1965 which revoked Law Number 1 of 1975 concerning the Principles of Regional Government and also provided an explanation regarding the right to petition, that the Regional People's Representative Council can defend the interests of the Region and its residents before higher institutions (petition rights). In addition, Law Number 21 of 2001 concerning Special Autonomy for Papua Province (hereinafter referred to as the Papua Special Autonomy Law) has provided regulations regarding the right to petition. In the Papua Special Autonomy Law, it is explained that supervision carried out by the community on the implementation of the duties of the MPR, DPRD, Governor and their staff in the form of petitions, criticisms, protests, suggestions and proposals. However, these laws and regulations have been revoked. A legal umbrella is needed to legitimize and strengthen the support or voice of the people obtained in online petitions. Further steps that need to be considered in order to optimize online petitions in Indonesia itself require a mechanism for online petitions in order to have optimal pressure, so it is also necessary that the mechanism that our group offers is that before the petition is 23 Adhyayana | Vol. 1 | No. 1 | 2025 issued, at least 5 experts related to the petition are needed. This is intended to maintain credibility, the quality of the effectiveness of the issue. Then the petition needs to be answered by the government when the petition has reached 10,000 (ten thousand signatures) votes within 30 days. Online petition submission can also be accompanied by personal identification such as full name, NIK, and signature.

With the existing solution design, online petitions will be able to realize the convenience of individuals in policy participation, in addition to offering a wide range of access in a short time (Simamora, 2017) In addition, with this online petition, it is expected to be able to play a role as an evaluative of policies made by the government. On the other hand, there are several challenges that can be experienced in the use of online petitions, namely the weak digital security in Indonesia, so it is feared that there will be data leaks or even misuse of personal data considering that the digital security capabilities in Indonesia itself are still lacking, as evidenced by several data leaks such as the Social Security Administering Agency (BPJS), the sale of BRI Life customer data, the General Election Commission data leak (Akbar. Then the ability to develop the Indonesian e-government system still needs to be improved to minimize fake participation. Then education in Indonesia needs to be improved in order to make petitions much more credible, because if seen like this, online petitions are seen more as direct participation so that a deep understanding is needed in order to achieve a better and more credible democracy. Accessibility is also a challenge for Indonesian citizens to online petitions.

The focus of the design that our group proposed is that Indonesia needs to have appropriate legal certainty to ensure that criticism and suggestions through the petition system have an influence so that they can be reviewed and responded to by the government. Online petitions can be used as an evaluation function of existing policies, so that policies that are made can be considered if there are policies that are of poor quality by involving high public participation. Therefore, it is necessary to pay attention to developing and optimizing online petitions so that they have an optimal pressure function for the government. This solution design was created as an evaluation and manifestation of public participation. It is hoped that with this solution design, it will be a solution for implementing policy advocacy, so that arguments and suggestions from the public can be accommodated and increase public participation and improve legislation in Indonesia.

CONCLUSION

Policies resulting from the legislative process are often influenced by practical politics and pragmatic interests. This is done solely as a way for legislators to maintain power, expand their influence to meet the interests of certain groups. In producing quality policies, a quality legislative process is also needed. The things that determine the quality of the legislative process itself are the Adhyayana | Vol. 1 | No. 1 | 2025

quality of the prolegnas, the quality of the academic paper, the quality of the discussion of the Draft Law (RUU) and all of that must be followed by public participation and harmonization of norms and evaluation of legislation. In the ratification of the TNI Bill in the Prabowo Subianto Era, of course, it did not involve public participation and transparency so that it can be concluded that the process of this bill was not of good quality.

This is because there is no conformity between the TNI Bill and the prolegnas, so that the planning for the revision of the TNI Law is invalid. Strengthened by the ratification process which was carried out in a hurry and the lack of in-depth analysis by the Constitutional Court, as well as the lack of adequate legislative evaluation before the ratification of the TNI Bill with substantial weaknesses. Even after the ratification of the TNI Bill, the academic paper was not published. Seeing South Korea which has succeeded in improving the quality of legislation by using online petitions, the solution design that can be adopted in Indonesia is online petitions. This is done by looking at South Korea and Indonesia which have the same legislative process pattern, and in Indonesia itself the effectiveness of online petitions that have been accommodated by Change.org. So the existing solution design is made with optimization and adoption of Change.orgwhich is accompanied by an adequate legal umbrella and a petition mechanism that is more transparent, accountable and has a greater influence.

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