

Assessing Power Relations, Loyalty, Integrity, and Norms in the Conduct of Military Operations for War (MOW) and Military Operations Other Than War (MOOW)

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Abstract

The background of this study is the implementation of Military Operations for War (MOW) and Military Operations Other Than War (MOOW) by the Indonesian National Armed Forces (TNI), which is consistently carried out within the framework of compliance with national law, international law, and TNI internal regulations, based on TNI doctrine, Sapta Marga, Soldier's Oath, the Eight Obligations of TNI, the Eleven Principles of TNI Leadership, as well as technical regulations such as the Military Judiciary Law, the Military Discipline Law, and Basic Military Regulations. The purpose of this research is to analyze command responsibility from a legal perspective, particularly when subordinates execute orders from superiors that are later contested as legal violations, both under national law and international humanitarian law. The research method employed is qualitative analysis of legislation, military doctrine, and empirical data from the Ministry of Defense (2023), which recorded 274 MOOW activities with a mission success rate of 96.8%, while the remaining 3.2% raised legal issues related to the execution of command orders. The findings indicate a gap between ideal norms and operational realities on the ground, highlighting the need for clearer boundaries of command authority and responsibility. The study recommends harmonizing military and general law, updating the doctrine of command responsibility, and strengthening operational legal training for soldiers to ensure a balance between command authority and the protection of individual rights.

Keywords: TNI, MOW, MOOW, Military Law, Command Responsibility, Power Relations, Human Rights, Military Doctrine

INTRODUCTION

The Indonesian National Armed Forces (TNI) serve as the frontline in safeguarding national sovereignty, both through Military Operations for War (MOW) and Military Operations Other Than War (MOOW), as regulated in the Republic of Indonesia Law No. 34 of 2004 on the Indonesian National Armed Forces, State Gazette of the Republic of Indonesia Year 2004 No. 127, Article 7 paragraphs (1) and (2). In carrying out their duties, TNI soldiers are subject not only to national law but also to international law, including the Geneva Conventions of 12 August 1949 and the Additional Protocols of 8 June 1977 (ICRC, 2010) as well as the principles of *Customary International Humanitarian Law* (Henckaerts & Doswald-Beck, 2005). In addition, TNI personnel must adhere to internal military regulations such as the Commander of the TNI Regulation No. Perpang/32/V/2014 on International Humanitarian Law and Human Rights in Military Operations.

This normative framework also encompasses the TNI Doctrine Tri Dharma Eka Karma (TRIDEK), Commander of the TNI Decree No. Kep/556/VIII/2018; the Sapta Marga, Presidential Decree No. 63 of 1985; the Soldier's Oath, Commander of the TNI Regulation No. Perpang/21/V/2007; the Eight Obligations of the TNI, Commander of the TNI Regulation No. Perpang/45/X/2010; the Eleven Principles of TNI Leadership, Commander of the TNI Regulation No. Perpang/42/IX/2009; the Law No. 31 of 1997 on the Military Judiciary, State Gazette of the Republic of Indonesia Year 1997 No. 84; and the Law No. 26 of 1997 on the Military Discipline of the Armed Forces of the Republic of Indonesia, State Gazette of the Republic of Indonesia Year 1997 No. 67, along with other technical regulations.

In addition, TNI soldiers bear the responsibility of upholding Human Rights (HR), democratic principles, and environmental preservation. The superior-subordinate relationship

within the military structure is built upon a unique power relation, with loyalty and integrity as its foundation. This relational model is often referenced by civilian and business organizations for its success in fostering discipline and operational effectiveness. However, the dynamics of operations in the field do not always unfold in line with ideal norms. There are cases in which subordinates carried out orders from superiors that were later deemed unlawful. Such circumstances raise crucial questions regarding power relations and command responsibility from both national and international legal perspectives.

Power relations in the military constitute a fundamental aspect that binds the chain of command, discipline, and operational effectiveness, both in MOW and MOOW. This relationship is constructed not only on formal hierarchy but also on the values of loyalty, integrity, and adherence to applicable legal norms, whether national law or international humanitarian law. Problems arise when a soldier's loyalty to his commander clashes with the principle of integrity and the legal norms that set boundaries for military actions. In such situations, soldiers often face a dilemma: whether to remain loyal to their superior or obey the higher law—the universal norms of humanity.

History records numerous cases illustrating the fragility of the line between loyalty and unlawful conduct. The My Lai Massacre (Vietnam, 1968) stands as a classic example of how unquestioned obedience to a commander's order resulted in war crimes. Hundreds of unarmed civilians were slaughtered by U.S. troops under the pretext of operational orders. The trial placed Lieutenant William Calley as the principal perpetrator, though in reality the incident involved a much broader chain of command. This case demonstrates that loyalty without integrity and the neglect of legal norms can tarnish the dignity of the military while also undermining humanitarian values.

A similar context can be found in Indonesian national legal practice. The Ferdy Sambo case illustrates power relations within the police institution, which, although not a military force, maintains a command structure similar to the military. Sambo's subordinates obeyed orders despite their clear illegality, namely the fabrication of a murder case. Such lopsided power relations, reinforced by blind loyalty, stripped subordinates of the space to prioritize integrity. This case shows that without legal norms and strict oversight mechanisms, power relations can degenerate into tools of oppression and distortion of truth.

Another example is the case of Tom Lembong, which, though situated in a civilian bureaucratic context, still reflects the problem of power relations. Lembong was punished in the sugar import case despite the absence of personal gain or actual losses. From the perspective of power relations, this case highlights how decisions made within bureaucratic structures may drag individuals into criminal liability, even when carried out in the line of duty. The analogy is relevant for understanding how soldiers may become entrapped in the web of power relations when ordered to obey commands that contradict legal norms.

Within the TNI, there are also cases in which soldiers carried out orders from superiors that were clearly unlawful, such as excessive use of force against civilians. Legal debates in such cases center on the extent to which soldiers can defend themselves by claiming they were “only following orders.” The principle of command responsibility in both international humanitarian law and Indonesian national law emphasizes that commanders remain accountable, either for directly issuing unlawful orders or for failing to prevent or punish subordinates who violated the law. However, this does not mean that subordinates are completely free of liability; soldiers are also expected to exercise reason and morality in refusing orders that are manifestly unlawful.

Assessing power relations in MOW and MOOW is not merely a matter of maintaining loyalty and discipline but also about balancing them with integrity and adherence to legal norms. Loyalty without integrity risks becoming a justification for crimes, while integrity devoid of loyalty weakens military cohesion. Therefore, healthy power relations must be designed around three main pillars: clear legal frameworks, a strong culture of integrity, and transparent

accountability mechanisms. These pillars form the foundation enabling every soldier and commander to place the interests of the nation and humanity above mere obedience to orders.

This research problem arises from three interrelated issues. First, the legal and normative foundations regulating power relations between superiors and subordinates within the Indonesian National Armed Forces (TNI). Second, the application of the principle of command responsibility in the conduct of both Military Operations for War (OMP) and Military Operations Other Than War (OMSP). Third, the legal implications that arise when a subordinate carries out an order from a superior that is subsequently challenged through legal mechanisms.

This study aims to analyze the legal framework and internal TNI norms governing power relations between superiors and subordinates, to examine the application of the principle of command responsibility in various forms of military operations, both OMP and OMSP, and to formulate policy recommendations that encourage the harmonization of military law with national and international law.

This research is expected to provide two types of contributions: theoretical and practical. Theoretically, this study is expected to enrich the body of legal scholarship, particularly in military law and constitutional law, by offering a more comprehensive understanding of the normative foundations of superior–subordinate power relations within the TNI and the application of the principle of command responsibility in the context of military operations. Furthermore, this research may serve as an academic reference for the development of theories on legal accountability in hierarchical military relations influenced by both national and international law.

Practically, this study is expected to offer input for policymakers, law enforcement officials, and military institutions in drafting regulations and technical guidelines that better harmonize military law, national law, and international law. Thus, the findings of this research may be used as a reference to strengthen command accountability mechanisms, protect soldiers from potential criminalization in the execution of orders, and maintain a balance between compliance with the military hierarchy and legal certainty in a democratic state.

As part of its academic relevance, this research draws upon important prior studies, such as the International Committee of the Red Cross (ICRC) study on Command Responsibility, which emphasizes command accountability in international humanitarian law, Haryomataram's (2019) research on Indonesian military law reform, and analyses in *Oppenheim's International Law* regarding command responsibility in armed conflict. Consequently, this study aligns with the global discourse on integrating military law with human rights standards and international humanitarian law.

RESEARCH METHODS

This research employs a normative-empirical legal approach (socio-legal research), which, according to Soerjono Soekanto, is intended to examine how law operates in society by combining the analysis of written legal norms with social realities in the field (Soekanto, 2006). This approach is reinforced by Johnny Ibrahim, who asserts that normative-empirical legal research does not only focus on “law in the books,” but also observes “law in action” in order to identify the gaps between the two (Ibrahim, 2006).

The theoretical framework of this research also takes into account the principle of command responsibility as elaborated by the International Committee of the Red Cross (ICRC) in *Command Responsibility and International Humanitarian Law*, which affirms that a commander is responsible for the actions of subordinates if he knew or should have known of violations and failed to take preventive measures (ICRC, 2021). *Oppenheim's International Law* further adds that command responsibility constitutes one of the key mechanisms to enforce military discipline and to ensure compliance with the law of war (Openheim, 2008).

At the national level, this study refers to Law No. 34 of 2004 on the Indonesian National Armed Forces as the principal legal foundation governing military operations for war (MOW) and military operations other than war (MOOW) (Law of the Republic of Indonesia, 2004). This study also considers Constitutional Court Decision No. 28/PUU-XI/2013, which underscores the importance of a military justice system that is independent yet remains integrated within the national judiciary (Constitutional Court of the Republic of Indonesia, 2013).

In the context of this research, the positive legal norms regulating MOW and MOOW are systematically analyzed and then compared with field practices through the dynamics of superior-subordinate relations within the TNI. Primary data were obtained through interviews with mid-level TNI officers, military legal advisors, and experts in international humanitarian law, as well as from observations conducted during joint TNI exercises. Secondary data consist of national legislation, international legal instruments, TNI doctrine, court decisions, academic literature, and official reports.

Data collection techniques included semi-structured interviews, observation of command interactions, and document studies of relevant regulations and court rulings. The analysis was carried out qualitatively and descriptively by classifying legal norms, comparing them with field practices, identifying gaps, and determining both supporting and inhibiting factors in the implementation of the principle of command responsibility. To ensure validity, this study employed source and method triangulation as recommended by leading legal research methodologists, thereby ensuring data accuracy and minimizing interpretive bias.

RESULT AND DISCUSSION

A. The Implementation of Command Responsibility in MOW and MOOW: Between Operational Trends and the Dynamics of Power Relations

According to data from the **Ministry of Defense of the Republic of Indonesia (2024)**, the number of **Military Operations Other Than War (MOOW)** missions carried out by the TNI increased significantly from 198 missions in 2021 to 274 missions in 2023, before declining to 187 missions in 2024 due to time constraints within the year. The mission success rate remained consistently high, rising from 95.2% in 2021 to 97.1% in 2024. Conversely, the percentage of legal cases arising as an implication of command orders decreased from 4.8% in 2021 to 2.9% in 2024. These figures suggest that operational effectiveness has been accompanied by improvements in legal compliance and a growing awareness among soldiers regarding the principle of command responsibility.

However, these quantitative findings need to be read in conjunction with domestic case studies that highlight the fragile balance between soldier loyalty, commanders' orders, and the boundaries of law. The **Paniai case** illustrates how weak command control led to the use of lethal force, resulting in allegations of gross human rights violations. During election security deployments, the absence of written *rules of engagement* (ROE) created a legal gray area that exposed soldiers to potential violations despite merely following orders. Similarly, in the 2022 border operation, vague instructions led to disproportionate actions with legal consequences.

The connection between statistical data and these case studies indicates that, although there has been a positive trend in operational success and a decline in legal cases, power relations within the military still require strengthening. Command responsibility demands not only that commanders issue orders but also that they provide clear, measurable, and legally compliant operational guidelines. Without such safeguards, soldiers' loyalty risks clashing with legal integrity, thereby creating potential for human rights violations and abuse of power. Thus, the effectiveness of future military operations will greatly depend on the consistent implementation

of detailed ROE, transparent accountability mechanisms, and the internalization of a culture of integrity within the chain of command.

B. Comparative Models of Command Responsibility in Various Countries

When compared, significant variations can be observed across different countries. The United States emphasizes strong legal mechanisms and robust civilian oversight; Thailand and Myanmar reveal military dominance in politics with minimal civilian control; Germany has built a human-centered system that integrates democratic values into the military structure; while Japan constitutionally restricts the role of its military and emphasizes a strictly defensive function. From these comparisons, Indonesia can adopt benchmarking strategies to refine its system of command responsibility within the TNI so that it aligns with the democratic context of Pancasila, the rule of law, and the requirements of modern national defense.

From this comparative perspective, it can be concluded that each country’s model of command responsibility is shaped by its historical trajectory, political culture, and legal system. The U.S. model highlights the balance between military discipline and democratic-civilian oversight; Thailand and Myanmar illustrate the risks of military dominance that undermines legal accountability; while Germany and Japan demonstrate strong military subordination to civilian authority, emphasizing democratic values, legal awareness, and restrictions on military political influence. The Philippines explicitly codifies the principle of command responsibility in its national law, affirming that commanders may be held accountable for their subordinates’ actions, whether by direct orders or by negligence in supervision. Singapore, meanwhile, stresses internal accountability through a firm and transparent military legal system. Violations by soldiers are dealt with decisively, either through military courts or internal disciplinary mechanisms. Although the principle of command responsibility is not always explicitly articulated, it is effectively applied in practice through *vicarious liability* and collective accountability within the chain of command.

For Indonesia and the TNI, these models can serve as valuable benchmarks in formulating an ideal system of command responsibility: maintaining the hierarchical discipline that is the hallmark of the military, but embedding it within a legal framework that is accountable, subject to civilian supremacy, and consistent with the principles of a democratic rule-of-law state.

Comparative Matrix of Command Responsibility

Country	Constitutional/ Legal Basis	Relasi Kuasa (Chain of Command)	Civilian Oversight & Checks	Judicial/Disciplinary Regime	Key Principles	Potential Weaknesses	Relevance for TNI/Indonesia
AS	Constitution; UCMJ; DoD directives	Strictly hierarchical, subordinate to President & Congress	Strong: President, Congress, GAO, IG, media	UCMJ, court-martial, federal courts	Civilian oversight, checks & balances, legal advisor layered ROE	Bureaucratic complexity; policy politicization	Adopt oversight mechanisms, legal advisors, decision log, layered ROE
Thailand	Shifting constitutions; military decrees (post-coup)	Centralized; military as dominant political actor	Weak; civilian control often subordinated	Strong military judiciary in emergencies	Short-term stability	Risk of authoritarianism; weak accountability	Antithesis: avoid military dominance over civilian power
Myanmar	2008 Constitution (militaristic)	Military above civilian institutions	Nearly ineffective	Dominant military judiciary	Full centralization	Human rights violations; impunity	Total antithesis for Indonesia’s design

Country	Constitutional/ Legal Basis	Relasi Kuasa (Chain of Command)	Civilian Oversight & Checks	Judicial/Discipli nary Regime	Key Principles	Potential Weaknesse s	Relevance for TNI/Indone sia
Germany	Grundgesetz; military law; Wehrrecht	Hierarkis + <i>Innere Führung</i>	Very strong: Bundestag, Parliamenta ry Commissioner	Limited military judiciary; accountability under general criminal law	<i>Citizen in uniform, duty to disobey</i>	Slower crisis response	Adopt <i>Innere Führung</i> , <i>duty to disobey</i> , parliamentar y oversight
Japan	1947 Constitution (Article 9)	Defensif murni; subordinasi sipil total	Purely defensive; full civilian subordinatio n	Strong: PM & Diet (parliament)	Pasifisme, transparansi, batas ofensif	Limited external flexibility	Inspiration for military depoliticizati on & transparency
Philippine s	1987 Constitution; security laws	Hierarkis; Presiden C- in-C	Active Congress & Supreme Court	<i>Explicitly adopts command responsibility</i>	Written accountabil ity of command	Domestic politics can influence enforcemen t	Reference for codifying command responsibilit y explicitly
Singapore	Konstitusi; SAF Act; MINDEF regs	Hierarkis profesional; NS (wajib militer)	Strong: MINDEF & PMO	Firm internal discipline; military courts	Prevention & control, compliance culture	Risk of over- centralized control	Emulate compliance culture & preventive discipline
Indonesia (current)	1945 Constitution; TNI Law; Military Penal Code; internal regulations	Hierarchical: President– MoD– Commander– HQ/Services	Existing: President, DPR (Commissio n I), BPKP/Inspe ctorates	Predominantly military judiciary; limited transfer to civilian courts	Strong discipline & hierarchy	Gaps in harmonizin g military– civil law; weak protection for refusal of unlawful orders; lack of standardize d documentat ion	Strengthen civilian oversight, codify duty to disobey, apply “should have known” standard, require legal pre-brief & decision log, layered ROE

This matrix illustrates the spectrum of command responsibility models: ranging from strong civilian supremacy (U.S., Germany, Japan) to military dominance in politics (Thailand, Myanmar), with intermediate forms in the Philippines and Singapore. For the TNI, these cases offer benchmarks in shaping an ideal model of command responsibility: maintaining military hierarchical discipline while embedding it within a transparent and accountable legal system, firmly subordinated to civilian oversight, and aligned with democratic rule-of-law principles. Among these models, several lessons stand out: the U.S. demonstrates a balance between military discipline and civilian control; Thailand and Myanmar highlight the risks of unchecked military dominance; Germany emphasizes integrating legal and moral awareness through the principle of the citizen in uniform; Japan illustrates how constitutional restrictions safeguard civilian supremacy while preventing militarization of politics; the Philippines provides a clear legal codification of command responsibility; and Singapore offers lessons in prevention-oriented discipline and professionalism. For Indonesia, this comparative benchmarking underscores the need to balance hierarchical military discipline with effective legal frameworks

and civilian oversight, ensuring that the TNI avoids the two extremes of political militarization or overly restrictive operational constraints

C. Command Responsibility within the Indonesian National Armed Forces (TNI)

From a legal perspective, command responsibility within the TNI is governed on multiple levels, namely under national law and international law. Under national law, Article 65(2) of the TNI Law requires soldiers to be subject both to military law and the general criminal law. Furthermore, the Military Judiciary Law and the Military Discipline Law regulate the responsibility of superiors for the misconduct of their subordinates, particularly in cases of omission or negligence in supervision. Under international law, the 1949 Geneva Conventions and Additional Protocol I (1977) codify the principle of command responsibility, while the **Rome Statute** (Article 28) stipulates that commanders may be held criminally responsible if they knew, or should have known, of violations and failed to prevent or punish them.

In practice, the Rules of Engagement (ROE) within the TNI are often formulated in very brief and technical operational terms, designed to facilitate implementation in the field. However, such brevity and lack of detail open room for varying interpretations at the operational level. As a result, soldiers' actions may later be questioned as legal violations under either national or international law. This becomes particularly significant in light of Article 28 of the Rome Statute, which provides that a military commander or superior can be held criminally responsible for crimes committed by forces under their effective control if three main elements are met: the existence of effective control over the forces, knowledge or awareness that crimes were being committed or about to be committed, and failure to prevent or repress those violations.

In the context of Indonesian law, this principle has been implicitly adopted in several legal instruments, including the Military Penal Code and regulations concerning command responsibility. Consequently, overly brief ROE complicates the ability to prove that a commander has adequately fulfilled their duty of prevention and control. This issue becomes especially relevant in TNI assignments related to security operations, which have, in several cases, triggered legal disputes concerning alleged human rights violations or excessive use of force. If the ROE does not specify strict limits on the use of force, escalation procedures, and incident reporting mechanisms, the risk of misconduct rises, and legal responsibility may extend not only to field executors but also to commanders with effective control who failed to anticipate or prevent violations. Thus, reformulating the ROE with clearer, more detailed, and accountable standards is crucial to safeguard both the integrity of military operations and the legal position of TNI commanders under national and international law.

D. Power Relations between Superiors and Subordinates in the TNI

Power relations within the military structure reflect the distribution of hierarchy and control across levels of leadership and subordinates, where subordination and obedience to orders form the basic norm. Within the TNI, this structure of authority is grounded in obedience to superiors, framed by formal doctrine and values such as the *Sapta Marga*, Eight Obligations of the TNI, and other internal regulations. Theoretically, this reflects Max Weber's concept of traditional and legal-rational authority: power legitimized by formal hierarchy and legal norms. As in other militaries, the TNI emphasizes discipline and tiered obedience as the foundation of organizational stability.

Field observations and interviews with key informants indicate that the power relations between superiors and subordinates in the TNI are characterized by three main features: hierarchical loyalty, operational integrity, and collective norms and values.

1. **Hierarchical Loyalty.** This loyalty is measured not only by formal obedience to orders but also by the willingness of subordinates to carry out orders with initiative and full responsibility. Data from the Ministry of Defense (2023) shows that 96.8% of Military Operations Other than War (MOOW) missions were successfully executed due to the

discipline of the chain of command, while 3.2% led to legal disputes, mainly concerning the interpretation of orders and actions in the field.

2. **Operational Integrity.** In operations at the Papua border and in peacekeeping missions under MONUSCO in the Democratic Republic of Congo, TNI personnel demonstrated high compliance with ROE, despite ambiguous situations that required field discretion. Operational integrity was reflected in post-action reporting compliance, though command audits remained dependent on internal transparency.
3. **Military Norms and Collective Values.** Military norms are inculcated through doctrinal training from the earliest stages of education. Sapta Marga and the Eight Obligations of the TNI serve as ethical filters in carrying out orders. Superior-subordinate relations are marked by mutual trust but remain under the principle that “orders are honor,” leading to a low rate of direct refusal of orders, even when legal doubts exist.

This highly hierarchical relationship strengthens operational effectiveness but risks suppressing subordinates’ ability to refuse unlawful orders. This creates a dilemma between the duty of obedience and the right to refuse illegal commands. Although the legal framework is clear, operational conditions often force quick decisions without room for legal consultation. The lack of legal interpretation mechanisms in the field leaves subordinates without sufficient legal protection. More detailed ROE protocols and tiered operational law training—including decision-making simulations under pressure—are needed to mitigate this gap.

Comparative cases illustrate that both internationally and domestically, the core issue lies in how orders are understood, executed, and held accountable. As seen in the Paniai tragedy, the 2022 border incidents, and election security cases in Maluku, soldiers in the field often invoked the defense of “merely following orders,” even when actions taken were disproportionate or unlawful. Without clear ROE and effective accountability mechanisms, the chain of command risks becoming an instrument of abuse of power.

Thus, cases such as My Lai and incidents in Indonesia reaffirm the importance of command responsibility as a legal principle that goes beyond loyalty. Commanders are responsible not only for issuing orders but also for prevention, supervision, and enforcement of discipline. Subordinates, in turn, cannot fully hide behind the defense of superior orders, as both national and international law impose a legal and moral duty to refuse manifestly unlawful orders, especially those violating human rights.

E. The Formulation of Rules of Engagement (ROE) in TNI Practice

In TNI operations, ROE are often formulated in brief and general operational language. The main objective is to provide tactical flexibility for soldiers to adapt their actions to dynamic and rapidly changing situations. However, such flexibility leaves a serious gap: room for varying interpretations among operational units. Divergent interpretations risk generating actions that may later be challenged under national or international law.

This risk becomes more acute in operations involving civilian populations, such as crowd control, protest management, or preventing communal clashes. In such contexts, overly brief or vague ROE create ambiguity in distinguishing between lawful and excessive or disproportionate use of force. If incidents result in casualties, material losses, or human rights violations, the principle of command responsibility becomes the central reference in determining legal accountability. It assesses whether a commander had **effective control** over their forces, knew or should have known of potential violations, and took adequate measures to prevent, suppress, or punish misconduct.

Therefore, ROE must be drafted with clear, detailed, and specific operational language. Well-structured and comprehensive ROE not only ensure soldiers’ actions remain within the bounds of the law but also protect commanders from criminal liability arising from *failure to prevent* or *failure to punish*. More broadly, properly formulated ROE serve a dual function: as an instrument of compliance with national and international humanitarian law, and as a means of

safeguarding the legitimacy, credibility, and reputation of the TNI in the eyes of domestic society and the international community.

F. Comparative Analysis of Command Responsibility Models

A comparative analysis of command responsibility models in the United States, Germany, Japan, Singapore, and the Philippines indicates the need for Indonesia to develop a hybrid model suited to the context of Pancasila democracy, civilian supremacy, and modern national defense requirements. The core principle must be rooted in civilian supremacy through the President and Minister of Defense, accompanied by checks and balances via parliamentary oversight. This ensures that defense policy and the use of force are not exclusively under military control but subject to democratic governance.

In this model, TNI soldiers are positioned as citizens in uniform, who are bound by national law and international humanitarian law, and who also possess the right and duty to refuse manifestly unlawful orders. This is combined with the principle of dual accountability: command responsibility through the chain of command and individual accountability based on personal culpability (*mens rea* and *actus reus*). To enhance public trust, proportional transparency mechanisms should be developed, such as periodic publication of disciplinary and serious offense data, while safeguarding operational secrecy.

Institutionally, the hybrid model situates the Ministry of Defense as the civilian control center responsible for determining policy, mission priorities, and inter-service authorization for the use of force, with written directives subject to audit. Oversight is reinforced through an independent Inspector General of Defense reporting directly to the Minister and Parliament, mandated to conduct compliance audits—including access to command logs. Legally, the Military Prosecutor's Office and Military Courts must be strengthened and integrated with the national legal system, allowing serious offenses to be transferred to civilian courts to prevent impunity. For major operations, an ad hoc Operational Oversight Commission (KPO) could be established, with both civilian and military members, mandated to conduct pre-operation reviews, in-operation monitoring, and post-operation evaluations. An Ombudsman for the Military should also be instituted as a grievance mechanism for both soldiers and civilians, with strong whistleblower protections.

The legal and doctrinal framework also requires updating. A codified duty to disobey clause should obligate soldiers to reject manifestly unlawful orders or ROE violations, with rapid reporting procedures. An objective “should have known” standard must also be incorporated, clarifying commanders' liability when reasonable indicators of risk exist. ROE should be layered: core national ROE and mission-specific ROE approved by the Ministry of Defense or Parliament for large-scale operations, with non-derogable red lines. Every operation must undergo legal pre-briefing and include embedded legal advisors. To guarantee accountability, key command decisions should be recorded in a tamper-evident digital Command Decision Log available for audit.

Operational accountability should be enforced in three stages:

- Pre-operation: preparation of a risk–legal matrix and mission file with objectives, ROE, escalation maps, and risk indicators.
- During operation: real-time compliance checks by legal or operational intelligence officers, supported by *stop rules* authorizing suspension of actions when violations are indicated.
- Post-operation: structured after-action reviews integrating factual, legal, and doctrinal aspects, with binding outcomes for military education curricula, ROE revisions, and the publication of non-classified executive summaries for public accountability.

Human resources are equally critical. A curriculum akin to Germany's *Innere Führung* should be developed, emphasizing soldiers' citizenship status, ethical command, duty to disobey unlawful orders, humanitarian law, and human rights. Command certification must be introduced, requiring operational commanders to pass legal and ethical qualifications. To foster

transparency, strict anti-retaliation rules for whistleblowers and secure reporting channels under the Military Ombudsman or Inspectorate are needed.

Technologically, the TNI should adopt e-ROE and e-Log systems for distributing rules, recording decisions, and incident reporting, linked to a Compliance Dashboard with metrics on incidents, response times, and enforcement status. Aggregated data would be reported to the Minister of Defense and Parliament, with annual summaries made public.

This hybrid model is informed by international benchmarking: from the U.S., strong civilian oversight, clarity under the UCMJ, embedded legal advisors, and decision log systems; from Germany, *Innere Führung*, the concept of the *citizen in uniform*, and duty to disobey; from Japan, military depoliticization and legislative transparency; from the Philippines, explicit codification of command responsibility; and from Singapore, a strong internal disciplinary system. Conversely, the experiences of Thailand and Myanmar serve as antitheses to avoid: military centralism without civilian or judicial control.

By building this hybrid model, the TNI can ensure that power relations within the military structure operate within a legal and accountable framework, aligned with democratic principles. At the same time, it protects soldiers from legal ambiguity, prevents impunity, strengthens professionalism, and safeguards the TNI's reputation both domestically and internationally

CONCLUSION

Power relations within the Indonesian National Armed Forces (TNI) constitute a fundamental aspect that underpins discipline, operational effectiveness, and organizational cohesion. However, field practices demonstrate that soldiers' loyalty to their superiors often clashes with integrity and compliance with both national and international legal norms. Cases such as My Lai, Ferdj Sambo, and unlawful orders in military contexts illustrate that, without clear accountability mechanisms, power relations may shift into instruments of abuse of authority, ultimately leading to human rights violations.

Accordingly, power relations must be understood not merely within the framework of hierarchical loyalty, but also in the context of moral integrity and legal compliance. Within both Military Operations of War (MOW) and Military Operations Other than War (MOOW), the principle of command responsibility is essential to ensure that commanders are accountable not only for direct orders but also for their duties to prevent, suppress, or punish unlawful actions by subordinates.

This study emphasizes that the success of the TNI in fulfilling its mission cannot solely be measured by the achievement of operational objectives but also by its ability to maintain a balance between military discipline, legal accountability, and respect for humanitarian values. Therefore, a healthy framework of power relations must be embedded within an accountable legal system, aligned with the principles of Pancasila democracy, and firmly subject to civilian supremacy and international law.

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