

# Reconceptualizing ANKUM's Role in Military Discipline: A Normative and Comparative Reassessment of Command Authority and Justice

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## Abstract

*The enforcement of military discipline is essential to operational readiness; however, the normative and ethical foundations of disciplinary authority within the Indonesian National Armed Forces (TNI) remain insufficiently examined. Existing scholarship largely treats ANKUM (Superior Officers Authorized to Impose Punishment) as a procedural or administrative mechanism, leaving a significant gap concerning its ethical legitimacy, normative coherence, and institutional accountability as a command-based disciplinary authority. This article addresses that gap by critically reassessing ANKUM's role beyond its formal legal mandate. By employing a normative juridical method combined with conceptual and comparative approaches, this study examines Indonesian military disciplinary law alongside selected models from the United Kingdom, Australia, and the United States. The analysis demonstrates that the concentration of discretionary power in ANKUM generates normative vulnerabilities, including inconsistent enforcement, limited procedural safeguards, and ethical tension in balancing command loyalty with justice. The article's original contribution lies in reconceptualizing military discipline not merely as an instrument of hierarchical control, but as an ethical institution inherent in command responsibility, operationalized through three analytical dimensions: ethical proportionality in sanctioning, institutional accountability mechanisms, and the alignment of disciplinary enforcement with unit cohesion and operational readiness. Grounded in comparative military justice and moral philosophy, the article proposes a reform-oriented framework that enhances legal legitimacy and strengthens ethical command within democratic civil-military relations.*

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## Introduction

Operational readiness is widely recognized as a central determinant of military effectiveness; however, its sustainability depends not only on material capacity and tactical competence, but also on the integrity of internal disciplinary governance. Within the Indonesian National Armed Forces (TNI), this governance is institutionally vested in ANKUM (Superior Officers Authorized to Impose Punishment), whose authority occupies a distinctive position at the intersection of command hierarchy, legal enforcement, and ethical judgment.<sup>1</sup> Rather than functioning merely as an administrative mechanism, ANKUM embodies a form of command-based legal authority that directly shapes institutional trust, behavioral compliance, and moral cohesion within military units.

In light of evolving strategic environments characterized by asymmetrical threats, cyber vulnerabilities, and multidimensional operations, the role of disciplinary enforcement in maintaining unit readiness warrants critical reevaluation. The prevailing discourse on military effectiveness often emphasizes hardware modernization and strategic doctrine, while the underlying legal-ethical infrastructures of discipline remain underexplored.<sup>2</sup> ANKUM's authority, while grounded in statutory legitimacy, operates within a complex interplay of command hierarchy, moral expectations, and operational pressures. Despite this significance, academic inquiry examining Ankum through a philosophical framework or in comparative perspective with analogous institutions in other jurisdictions remains limited. Accordingly, an examination of how Ankum contributes to operational readiness, both as a legal authority and as an ethical custodian, is essential for a comprehensive assessment of military resilience in the twenty first century.<sup>3</sup>

International literature on military justice and command authority has developed along three principal strands. First, normative and doctrinal studies examine the legal architecture of military discipline, emphasizing the separation of command and adjudicative functions to prevent arbitrary enforcement. Second, ethical and philosophical scholarship interrogates command responsibility, proportionality, and the moral legitimacy of punishment within hierarchical institutions. Third, comparative military justice research evaluates how different jurisdictions institutionalize safeguards, oversight, and accountability mechanisms to reconcile discipline with democratic rule-of-law principles.<sup>4</sup> Notably, while these strands offer robust analytical tools, they have rarely been applied to command-centered disciplinary systems such as ANKUM, particularly within post-authoritarian military contexts such as Indonesia.

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<sup>1</sup> Hangrengga Berlian et al., "The Role of Military and Public Prosecutors in Joinder of Parties to Enhance Law Enforcement in Indonesia," *Jurnal IUS Kajian Hukum Dan Keadilan* 13, no. 1 (2025): 128–52, <https://doi.org/10.29303/ius.v13i1.1579>.

<sup>2</sup> Antje Buehler et al., "Challenges for Research into Military Investigations," *Psychiatry, Psychology and Law* 26, no. 1 (2019): 50–64, <https://doi.org/10.1080/13218719.2018.1482575>.

<sup>3</sup> L. David Marquet, "Lessons from a Nuclear Submarine Mishap," in *How Could This Happen?*, ed. Jan U. Hagen (Springer International Publishing, 2018), [https://doi.org/10.1007/978-3-319-76403-0\\_16](https://doi.org/10.1007/978-3-319-76403-0_16).

<sup>4</sup> Majed Jabban et al., "A Typology of Judicial Oversight Systems in Criminal Investigation and Prosecution: A Comparative Study," *Pakistan Journal of Criminology*, January 16, 2024, 93–109, <https://doi.org/10.62271/pjc.16.1.93.109>.

This omission constitutes a significant conceptual lacuna. Existing Indonesian studies tend to conceptualize ANKUM as a procedural extension of command authority, without interrogating its ethical justification, normative coherence, or institutional design as a disciplinary adjudicator.<sup>5</sup> Moreover, comparative insights from jurisdictions where disciplinary authority is increasingly constrained by legal and ethical oversight have not been systematically employed to evaluate ANKUM's structure. As a result, the relationship between disciplinary enforcement, moral legitimacy, and unit readiness remains analytically fragmented, leaving unanswered questions about whether ANKUM operates as an instrument of justice or merely as a mechanism of hierarchical control.

Against this backdrop, this article aims to reconceptualize ANKUM's role within the Indonesian military disciplinary system by situating it within a normative-comparative and philosophical framework. The study seeks to (1) critically assess the ethical and legal coherence of ANKUM's command-based disciplinary authority, (2) examine its institutional implications for justice, accountability, and unit readiness, and (3) identify normative reform pathways through comparative engagement with military justice systems in selected democratic jurisdictions. By addressing these objectives, the article advances a theoretical contribution that reframes military discipline as an ethical institution embedded in command responsibility, rather than a purely administrative or coercive function..

Although various studies have explored military discipline and the legal framework governing the Indonesian Armed Forces (TNI), most have adopted a narrow, procedural perspective that emphasizes administrative compliance, statutory interpretation, or organizational command structures.<sup>6</sup> These analyses often reduce ANKUM's role to that of a technical enforcer, overlooking its broader ethical, institutional, and operational implications. The literature tends to treat discipline as an outcome rather than as a dynamic process tied to organizational culture, leadership philosophy, and moral authority. Furthermore, few works have addressed the interrelationship between law enforcement practices and the psychological or sociological dimensions of unit readiness. As a result, scholarly understanding remains fragmented, lacking a comprehensive framework that situates ANKUM within both the normative architecture of military justice and the strategic imperatives of operational performance.

Equally underdeveloped is the comparative dimension. There has been limited scholarly inquiry into how the ANKUM system in Indonesia compares with analogous disciplinary bodies in other military jurisdictions, whether in relation to procedural safeguards, institutional autonomy, or effectiveness in sustaining unit cohesion. This absence of

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<sup>5</sup> Allan Hermit Prasetyo, "Kewenangan Ankum Terhadap Warga Negara Yang Dimobilisasi Dalam Hukum Disiplin Militer," *Jurnal Magister Hukum Udayana (Udayana Master Law Journal)* 5, no. 3 (2016): 559, <https://doi.org/10.24843/JMHU.2016.v05.i03.p11>.

<sup>6</sup> Amelia Farissa and Megawati Barthos, "Indonesian National Army Involvement in Action of Community Organizationsthrating the Ideology of the State," paper presented at Proceedings of the 1st International Conference on Law, Social Science, Economics, and Education, ICLSSEE 2021, March 6th 2021, Jakarta, Indonesia, Salatiga, Indonesia, *Proceedings of the 1st International Conference on Law, Social Science, Economics, and Education, ICLSSEE 2021, March 6th 2021, Jakarta, Indonesia, 2021*, <https://doi.org/10.4108/eai.6-3-2021.2306455>.

comparative insight obscures opportunities for institutional learning, benchmarking, and reform. Moreover, the philosophical foundations of military justice, including questions concerning the moral legitimacy of punishment, command responsibility, and the equilibrium between authority and justice, remain largely absent from legal and defense scholarship in the Indonesian context.<sup>7</sup> This research thus fills a critical void by integrating legal analysis, comparative methodology, and philosophical reflection to more holistically evaluate ANKUM's role within the modern military ecosystem.

This study introduces a novel analytical framework by positioning ANKUM not merely as a regulatory actor within Indonesia's military legal system, but as a critical nexus of legal authority, ethical governance, and strategic readiness. Unlike existing research that treats disciplinary enforcement in isolation from broader institutional dynamics, this investigation advances an integrated perspective that draws upon military jurisprudence, comparative defense studies, and moral philosophy. It redefines military discipline not simply as a matter of procedural compliance but as a manifestation of institutional justice, ethical leadership, and the cultivation of collective military identity. Moreover, by employing a comparative-philosophical lens, the study provides a rare juxtaposition between Indonesia's ANKUM model and parallel disciplinary structures in other national militaries, thereby expanding the scope of inquiry beyond doctrinal analysis. This interdisciplinary and cross-jurisdictional approach fills a critical theoretical gap and offers practical implications for reforming military legal institutions, enhancing the integrity of internal disciplinary mechanisms, and strengthening the moral foundation of command authority in democratic defense systems.

### Problem Statement

While the Indonesian military legal system formally mandates the role of ANKUM (Superior Officers Authorized to Impose Punishment) as a core mechanism for maintaining discipline, its actual implementation reveals multiple unresolved challenges. Despite the existence of a detailed normative framework, including Law Number 25 of 2014 on Military Disciplinary Law and Law Number 31 of 1997 on Military Justice, the practice of military law enforcement often suffers from inconsistencies in interpretation, limited institutional capacity, and vulnerability to internal and external pressures. The correlation between disciplinary enforcement and unit operational readiness remains under-theorized and empirically underexplored, particularly in terms of how ANKUM's decisions influence morale, cohesion, and institutional trust within military units.

Moreover, most existing scholarship treats ANKUM's authority as a procedural function rather than an ethically loaded command responsibility embedded in a hierarchical and value-driven military culture. The absence of philosophical inquiry into the legitimacy, fairness, and proportionality of ANKUM's enforcement decisions limits our understanding of its broader institutional implications. In addition, the lack of comparative analysis with disciplinary frameworks in other countries' armed forces

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<sup>7</sup> David R Mares, *Civil-Military Relations: Building Democracy and Regional Security in Latin America, Southern Asia, and Central Europe*, 1st ed., ed. David R. Mares (Routledge, 2018), <https://doi.org/10.4324/9780429501579>.

prevents a critical evaluation of whether Indonesia's model aligns with international standards of military justice. This research thus addresses an urgent need to investigate the normative, practical, and philosophical dimensions of ANKUM's role, and to critically assess its effectiveness in supporting unit readiness and institutional integrity within the Indonesian Armed Forces.

## Methods

This study adopts a qualitative normative legal research<sup>8</sup> design aimed at examining the coherence, justification, and institutional implications of ANKUM's disciplinary authority within the Indonesian military justice system. The methodology is structured to move beyond descriptive doctrinal exposition by integrating normative legal interpretation, ethical-philosophical analysis, and structured comparative evaluation. This design enables a systematic assessment of how disciplinary authority is legally constituted, ethically justified, and institutionally operationalized. The normative juridical method is operationalized through a three-stage analysis: (1) identification of statutory norms governing ANKUM's authority; (2) evaluation of doctrinal consistency and interpretive coherence across relevant legal instruments; and (3) assessment of normative gaps between formal regulation and institutional practice

The legal materials used in this study consist of primary legal sources, including statutory regulations, government decrees, and institutional guidelines directly regulating ANKUM's authority and duties. These are supplemented by secondary legal materials, such as academic journal articles, books, defense white papers,<sup>9</sup> and expert commentaries on military justice systems and ethical command leadership. The analytical technique applied is qualitative-normative interpretation, which involves systematic interpretation of legal texts through the lens of doctrinal consistency, institutional effectiveness, and moral legitimacy. Additionally, a critical legal analysis is employed to evaluate the coherence between legal norms and their operational implementation in field conditions. This is combined with a comparative-structural analysis to assess potential normative improvements based on insights drawn from foreign military legal systems and international best practices.

## ANKUM in Indonesian Military Law: Authority, Practice, and Reform

### 1. Normative Foundation of ANKUM's Authority in the Indonesian Military Legal System

The legal architecture underpinning the authority of ANKUM (Atasan yang Berhak Menghukum) in Indonesia's military justice system is rooted in a hierarchical statutory framework, primarily composed of Law No. 25 of 2014 on Military Disciplinary Law and Law No. 31 of 1997 on Military Justice. These laws provide not only the procedural legitimacy but also the structural recognition of ANKUM as a critical actor in maintaining

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<sup>8</sup> Irwansyah Irwansyah, *Penelitian Hukum: Pilihan Metode & Praktik Penulisan Artikel* (Mirra Buana Media, 2020).

<sup>9</sup> Amiruddin and Zainal Asikin, *Pengantar Metode Penelitian Hukum* (Rajawali Pers, 2012); Nurul Qamar, and Farah Syah Reza, *Metode Penelitian Hukum Doktrinal Dan Non-Doktrinal* (Social Politik Genius, 2020).

order and discipline within the Indonesian Armed Forces (TNI). Article 1(9) of Law No. 25/2014 explicitly defines ANKUM as a commanding officer authorized to impose disciplinary sanctions upon subordinates under their command.<sup>10</sup> The legal texts, however, adopt a formalist approach that structures the role of ANKUM while leaving substantial gaps in normative interpretation, particularly with regard to ethical discretion, proportionality, and fairness in enforcement.

Normatively, this study advances a hybrid ethical framework that combines Rawlsian justice as fairness with Aristotelian virtue ethics to evaluate ANKUM's authority. Rawlsian principles provide criteria for procedural fairness, proportionality, and consistency in disciplinary enforcement, while Aristotelian ethics emphasize character, practical wisdom (*phronesis*), and moral responsibility inherent in command roles. Within this framework, ANKUM is not merely a legal executor but a moral agent whose legitimacy derives from the justifiability of decisions rather than hierarchical position alone.<sup>11</sup> This ethical synthesis directly challenges prevailing doctrinal views that equate disciplinary authority with command prerogative, repositioning ANKUM as an institution accountable to both legal norms and moral reasoning.

Beyond its textual function, ANKUM's position is embedded within the military's hierarchical command structure, which is characterized by vertical accountability, centralized control, and strong emphasis on obedience. Within this context, the role of ANKUM extends beyond mere administrative function and instead constitutes an expression of institutional authority and normative power. Nevertheless, such proximity to the command structure gives rise to philosophical tensions between the demands of justice and the imperatives of loyalty.<sup>12</sup> In enforcing discipline, ANKUM must negotiate between maintaining institutional order and exercising moral judgment, particularly in cases involving ambiguous infractions or interpersonal dynamics. This dualism calls for a normative framework that transcends statutory compliance and considers the ethical substance of justice in a military organization.<sup>13</sup>

The statutory definition of ANKUM's role also positions it as a gatekeeper between administrative discipline and formal prosecution in military courts. In practice, ANKUM serves as the initial filter in deciding whether violations are addressed through internal disciplinary action or escalated into judicial proceedings. This filtering function aligns

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<sup>10</sup> Norman Joshua, "Counterinsurgency, Emergency, and Civil-Military Relations in Indonesia," *Journal of Advanced Military Studies* 13, no. 1 (2022): 57–78, <https://doi.org/10.21140/mcuj.20221301003>.

<sup>11</sup> Anton Jamnik, "Rawls' Theory of Justice as Fairness as Foundation and Challenge for Local Self-Government," *Lex Localis - Journal of Local Self-Government* 20, no. 3 (2022): 641–65, [https://doi.org/10.4335/20.3.641-665\(2022\)](https://doi.org/10.4335/20.3.641-665(2022)).

<sup>12</sup> Francis J. H. Park, "Command Relationships," in *Understanding the U.S. Military*, 1st ed., by Katherine Carroll and William B. Hickman (Routledge, 2022), <https://doi.org/10.4324/9781003154877-13>; Peter Olsthoorn, "Dual Loyalty in Military Medical Ethics: A Moral Dilemma or a Test of Integrity?," *Journal of the Royal Army Medical Corps* 165, no. 4 (2019): 282–83, <https://doi.org/10.1136/jramc-2018-001131>; Francesca Baukje Hooft, "Legal Framework Versus Moral Framework: Military Physicians and Nurses Coping with Practical and Ethical Dilemmas," *Journal of the Royal Army Medical Corps* 165, no. 4 (2019): 279–81, <https://doi.org/10.1136/jramc-2018-001137>.

<sup>13</sup> David R Mares, *Civil-Military Relations: Building Democracy and Regional Security in Latin America, Southern Asia, and Central Europe*, 1st ed., ed. David R. Mares (Routledge, 2018), <https://doi.org/10.4324/9780429501579>.

with the principle of subsidiarity in military justice, wherein disciplinary enforcement is prioritized over punitive adjudication.<sup>14</sup> However, this system presumes that ANKUM possesses adequate legal reasoning capacity, interpretive competence, and sufficient insulation from command pressure, conditions that are unevenly realized in operational practice. Without robust procedural safeguards, this filtering process risks becoming either arbitrarily lenient or excessively punitive, undermining the credibility of military justice.<sup>15</sup>

From a philosophical standpoint, ANKUM represents a localized instantiation of authority within a legal-military paradigm that must simultaneously uphold order and embody justice. Military institutions, unlike civilian entities, operate under doctrines that prioritize readiness and cohesion, often at the expense of procedural deliberation.<sup>16</sup> Thus, the discretion held by ANKUM must be critically examined through theories of justice that accommodate the unique demands of the military. Rawlsian fairness, Aristotelian virtue ethics, or even restorative models of justice all offer normative lenses<sup>17</sup> through which the authority of ANKUM may be evaluated not solely in terms of compliance, but also in relation to legitimacy and moral proportionality within a tightly governed institution.

In this regard, the legal framework surrounding ANKUM lacks elaboration on ethical constraints, codified standards of proportionality, and substantive mechanisms for contestation or appeal, particularly in cases involving severe disciplinary measures. Although regulations exist, such as Commander-level guidelines or presidential regulations, they often emphasize procedural flow over moral substance. The absence of a codified ethical code specific to ANKUM exacerbates the discretionary opacity of its role.<sup>18</sup> Furthermore, unlike military justice systems in countries such as the United Kingdom or Australia, Indonesia does not yet institutionalize independent oversight mechanisms that can review or audit ANKUM decisions, leaving potential room for arbitrary or inconsistent application of disciplinary power.

To align ANKUM's authority with both operational effectiveness and institutional legitimacy, the normative foundation of its role must be rearticulated through a dual lens: legal certainty and moral accountability. This rearticulation requires not only

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<sup>14</sup> Bambang Slamet Eko, "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>.

<sup>15</sup> Aldy Mirozul et al., "Peran Ankum Dalam Pemberian Sanksi Pelanggaran Disiplin Militer Dari Perspektif Keadilan Dan Pembinaan Prajurit," *Birokrasi: Jurnal Ilmu Hukum Dan Tata Negara* 2, no. 4 (2024): 145–55, <https://doi.org/10.55606/birokrasi.v2i4.1582>.

<sup>16</sup> Stefan Schilling, "Visualizing the Ties That Bind Us: A Cross-Sectional Thematic and Visual Analysis of Cohesion Across Three British Military Formations," *Armed Forces & Society* 50, no. 3 (2024): 628–55, <https://doi.org/10.1177/0095327X221134644>.

<sup>17</sup> Ferhat Taşkin, "Rawls' 'Justice as Fairness': Not Only Political but Also Metaphysical," *Hitit İlahiyat Dergisi*, December 30, 2023, 953–65, <https://doi.org/10.14395/hid.1343310>; Anton Jamnik, "Rawls' Theory of Justice as Fairness: Philosophical-Theological Interpretation of John Rawl's Theory of Justice as Fairness," *Bogoslovska Smotra* 91, no. 5 (2022): 1037–58, <https://doi.org/10.53745/bs.91.5.3>; Ana Carla Coelho Bessa and Nestor Eduardo Araruna Santiago, "Uma Interface Entre a Teoria Da Justiça De John Rawls E a Justiça Restaurativa Como Política Criminal," *Seqüência Estudos Jurídicos e Políticos* 43, no. 92 (2023): 1–20, <https://doi.org/10.5007/2177-7055.2022.e70556>.

<sup>18</sup> Berlian et al., "The Role of Military and Public Prosecutors in Joinder of Parties to Enhance Law Enforcement in Indonesia."

amendments to legal substance, including clearer thresholds for disciplinary gradation and structured guidelines for decision making, but also a philosophical repositioning of ANKUM as a moral agent rather than merely an administrative executor. Embedding ethics training, legal reasoning modules, and comparative exposure into ANKUM's professional development pipeline could help harmonize legal formalism with ethical command. Such an approach would bridge the current gap between statutory authority and practical legitimacy, ensuring that discipline serves not only as a deterrent but also as an instrument of institutional integrity and trust.

## 2. Operational Mechanisms and Enforcement Practices

The operational mechanism of ANKUM within the TNI disciplinary structure is constructed as a multi-stage process: identification of violations, case examination, decision-making, and the imposition of sanctions. This staged procedure is intended to embody a rule-based framework that mirrors the principles of due process within the military context.<sup>19</sup> However, unlike civilian judicial systems where legal safeguards are more explicit and rights-based, the ANKUM process often depends on informal command relationships and hierarchical discretion. While the mechanism appears linear and systematic on paper, in practice it is embedded within a culture of obedience and loyalty, which can obscure the transparency and fairness of its implementation. The effectiveness of this mechanism, therefore, is not solely determined by its legal architecture, but by the interpretive competence and ethical disposition of the ANKUM officer executing it.<sup>20</sup>

The classification of disciplinary sanctions into three levels, namely light, moderate, and severe, reflects an intention to apply the principle of proportionality in the imposition of punishment. However, the gradation framework lacks universally applied standards for determining the severity of a violation. The criteria for categorization remain largely discretionary, leaving room for subjectivity and inconsistency.<sup>21</sup> This is particularly problematic in a military environment where sanctions are not only punitive but also serve symbolic and deterrent functions. For example, the decision to issue a written warning versus delaying a promotion may be influenced not only by legal factors but also by institutional politics, interpersonal dynamics, or perceptions of loyalty. Such ambiguity weakens the internal coherence of the system and risks undermining the legitimacy of disciplinary decisions.<sup>22</sup>

Furthermore, ANKUM is expected to play a dual role: as a law enforcer and as a mentor to subordinates. This institutional duality introduces a fundamental tension between repressive and pedagogical functions. The former demands decisiveness and legal firmness, while the latter requires empathy, moral persuasion, and a rehabilitative

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<sup>19</sup> Auliajr Aulia Jihan Rifani and Satria Unggul Wicaksana Prakasa, "Independensi Peradilan Militer Terhadap Prajurit TNI Sebagai Pelaku Tindak Pidana Narkotika," *Audito Comparative Law Journal (ACLJ)* 2, no. 3 (2021): 131–42, <https://doi.org/10.22219/aclj.v2i3.16756>.

<sup>20</sup> Berlian et al., "The Role of Military and Public Prosecutors in Joinder of Parties to Enhance Law Enforcement in Indonesia."

<sup>21</sup> Jesper Ryberg, "Retributivism and the (Lack of) Justification of Proportionality," *Criminal Law and Philosophy* 15, no. 3 (2021): 447–62, <https://doi.org/10.1007/s11572-021-09579-4>.

<sup>22</sup> James Connor et al., "Military Loyalty as a Moral Emotion," *Armed Forces & Society* 47, no. 3 (2021): 530–50, <https://doi.org/10.1177/0095327X19880248>.

orientation. This tension often plays out during the examination and decision-making stages, where ANKUM must decide whether disciplinary enforcement will foster deterrence or contribute to constructive learning. Unfortunately, no structured guideline currently exists to navigate this ethical dilemma, demonstrating how the absence of an articulated ethical framework transforms discretion into a structural vulnerability rather than a justified element of command-based justice.

The lack of procedural standardization and analytical rigor in handling cases also presents systemic challenges. Case files are not uniformly documented across units; decisions are often not subject to internal review, and there is no institutional mechanism to ensure consistency across similar violations. This institutional gap not only hinders transparency but also undermines the development of a precedent based disciplinary culture, which constitutes an essential feature of just and accountable legal systems. From a philosophical perspective, the absence of such internal consistency erodes the moral authority of military justice, as discipline becomes associated with arbitrary power rather than lawful legitimacy. Without reliable procedural safeguards, even well-intentioned enforcement can breed disillusionment among personnel and reduce compliance to performative obedience rather than principled discipline.<sup>23</sup>

The formal structure of ANKUM's operational mechanism presents a functional model of military discipline, its application in real-world contexts reveals significant normative and structural limitations. The lack of codified interpretive standards, the blurred line between command and adjudication, and the discretionary nature of sanctioning combine to produce a system that is vulnerable to both under-enforcement and overreach. To address these concerns, reform must move beyond legal codification toward the institutionalization of ethical reasoning, procedural transparency, and performance accountability. ANKUM officers should be trained not only in the substantive laws they are tasked to enforce, but also in the philosophical foundations that justify those laws. Such training enables discipline to be understood not merely as an instrument of control, but as a means of cultivating trust, justice, and operational integrity within the armed forces.

### 3. Correlation Between Law Enforcement and Unit Readiness

The relationship between law enforcement and unit readiness in military institutions is often underestimated in favor of more tangible factors such as logistical capacity, armament, or operational planning. However, within the Indonesian National Armed Forces, internal discipline structured and enforced through the authority of ANKUM constitutes an essential yet often overlooked foundation that sustains combat preparedness and operational cohesion.<sup>24</sup> As outlined in the manuscript, effective enforcement of military discipline has a significant psychological and behavioral influence, fostering an environment where each member of the unit is compelled to act in accordance with institutional expectations. In this way, ANKUM's function becomes

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<sup>23</sup> Alison Duxbury and Matthew Groves, eds., *Military Justice in the Modern Age*, 1st ed. (Cambridge University Press, 2016), <https://doi.org/10.1017/CBO9781107326330>.

<sup>24</sup> Dwi Agus Arfianto et al., "Harmonizing Prosecution Agencies in Indonesia: Implementing the Dominus Litis Principle Policy," *Pakistan Journal of Criminology*, January 16, 2024, 47-57, <https://doi.org/10.62271/pjc.16.1.47.57>.

both a regulatory and formative instrument, with direct implications for readiness, morale, and ethical performance.

Operational readiness is not merely a reflection of technical preparedness, but rather a composite of behavioral reliability, mutual trust, and moral clarity, all of which are sustained through the consistent enforcement of rules and norms. From a theoretical standpoint, Michel Foucault's notion of disciplinary power is instructive here: it is not the visible structures of force that ensure conformity, but rather the internalization of rules through routine, surveillance, and correction.<sup>25</sup> ANKUM's role as a disciplinary actor embodies this dynamic, operating within a space where authority must not only be obeyed, but believed to be just. As the manuscript suggests, when ANKUM exercises its authority fairly and predictably, it contributes to the internal legitimacy of the military institution, enhancing unit cohesion and the psychological readiness of its personnel in the face of operational demands.<sup>26</sup>

Conversely, inconsistent or perceived unjust disciplinary practices have the potential to erode unit readiness by generating cynicism, disengagement, and latent resistance among personnel. The empirical link between legal consistency and unit morale, while difficult to quantify, is deeply embedded in the organizational culture of the military. If law enforcement mechanisms are seen as arbitrary, politically influenced, or driven by favoritism, then the authority of the command structure itself is destabilized.<sup>27</sup> In such contexts, members may comply externally while withdrawing internally, weakening collective commitment to mission objectives. As noted in the article, the absence of uniform enforcement across units of the Indonesian National Armed Forces, particularly in the interpretation of punishment gradations, has produced variations in morale and discipline that ultimately affect readiness in operational theaters.<sup>28</sup>

To optimize this correlation, institutional reform must prioritize not only capacity-building for ANKUM officers but also the systemic embedding of fairness, transparency, and ethical clarity into disciplinary procedures. The development of standardized disciplinary metrics, as well as periodic review and feedback systems, would allow the TNI to strengthen this link empirically and normatively. Integrating human factors,<sup>29</sup> including psychological resilience, trust in leadership, and perceptions of justice, into assessments of military readiness would move management practices beyond reductionist conceptions of readiness and toward a holistic operational doctrine grounded in justice. In conclusion, when applied with prudence and ethical integrity, the

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<sup>25</sup> Mark Kelly, "What's in a Norm? Foucault's Conceptualisation and Genealogy of the Norm," *Foucault Studies* 1, no. 27 (2019): 1–22, <https://doi.org/10.22439/fs.v27i27.5889>.

<sup>26</sup> Arief Rachman et al., "Revolution in Military Affairs (Rma) by Indonesian Armed Forces Towards Competitive Advantage," *Decision Science Letters* 12, no. 2 (2023): 413–30, <https://doi.org/10.5267/j.dsl.2022.12.002>.

<sup>27</sup> Philip Lorenz, "Indonesia," in *The Routledge Handbook of Civil-Military Relations*, 2nd ed., by Florina Cristiana Matei et al. (Routledge, 2021), <https://doi.org/10.4324/9781003084228-15>.

<sup>28</sup> Berlian et al., "The Role of Military and Public Prosecutors in Joinder of Parties to Enhance Law Enforcement in Indonesia."

<sup>29</sup> Anwar, et al., "Does The Indonesian National Army Develop Democracy and Human Rights? A Comparative Perspective," *Legality: Jurnal Ilmiah Hukum* 32, no. 2 (2024): 311–329 <https://doi.org/10.22219/ljih.v32i2.35017>

ANKUM system should be understood not merely as a disciplinary instrument, but as a strategic asset that sustains the psychological foundations of a loyal, disciplined, and combat ready military force.

#### 4. Comparative Analysis with International Military Disciplinary Systems

Comparative analysis serves as a vital methodological lens in evaluating the institutional effectiveness of disciplinary enforcement systems, particularly in rigid, hierarchical structures such as the military.<sup>30</sup> While Indonesia's ANKUM model is grounded in its national legal tradition and military doctrine, benchmarking it against established systems in other countries provides insight into structural gaps, normative inconsistencies, and areas of potential reform. Nations such as the United Kingdom, Australia, and the United States offer mature models of military justice that combine statutory precision with institutional safeguards, ensuring that disciplinary enforcement aligns with both operational goals and democratic values. In contrast, the Indonesian ANKUM system, although operationally functional, lacks the procedural depth and institutional independence that characterize these foreign counterparts.<sup>31</sup>

Comparative military justice systems in the United Kingdom,<sup>32</sup> Australia,<sup>33</sup> and the United States<sup>34</sup> demonstrate a shared normative commitment to constraining command authority through legal and ethical accountability rather than merely procedural variation. These systems institutionalize mechanisms such as separation between command and adjudicative functions, structured appeal processes, and codified proportionality standards, thereby transforming discipline from a command instrument into a legally and morally justified practice. By contrast, Indonesia's ANKUM framework retains a command-centric disciplinary model in which investigatory, adjudicative, and punitive powers converge within a single authority. The comparative weakness of the Indonesian model therefore lies not in the absence of legal regulation, but in the lack of an ethical-institutional architecture capable of translating disciplinary power into legitimate and accountable command authority

A key philosophical distinction lies in how different systems conceptualize the balance between authority and accountability. In Anglo-American models, disciplinary authority

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<sup>30</sup> Paolo Roberto Barbosa Ramos and Filipe Sousa Santana, "The Dynamics of State Military Justice: The Military Audit of Maranhão in the Years 2022 and 2023," *Revista Juridica*, ahead of print, 2024, <https://doi.org/10.26668/revistajur.2316-753X.v1i77.6822>.

<sup>31</sup> Berlian et al., "The Role of Military and Public Prosecutors in Joinder of Parties to Enhance Law Enforcement in Indonesia."

<sup>32</sup> Ondřej Stypa, "The Influence of the Case Law of the European Court of Human Rights on the Military Justice System of United Kingdom of Great Britain and Northern Ireland," *Časopis pro Právní Vědu a Praxi* 29, no. 3 (2021): 573–94, <https://doi.org/10.5817/CPVP2021-3-5>.

<sup>33</sup> John Tarrant, "Human Rights and Australia's Military Justice System," in *Military Justice in the Modern Age*, 1st ed., ed. Alison Duxbury and Matthew Groves (Cambridge University Press, 2016), <https://doi.org/10.1017/CBO9781107326330.015>; Ben Wadham, "The Minister, the Commandant and the Cadets: Scandal and the Mediation of Australian Civil–Military Relations," *Journal of Sociology* 52, no. 3 (2016): 551–68, <https://doi.org/10.1177/1440783316655637>.

<sup>34</sup> Michael A. Newton and Dru Brenner-Beck, "Military Justice," in *Understanding the U.S. Military*, 1st ed., by Katherine Carroll and William B. Hickman (Routledge, 2022), <https://doi.org/10.4324/9781003154877-17>.

is exercised with the presumption that justice is essential for sustaining command legitimacy and operational morale. These systems operate under the view that the rule of law is not suspended in military contexts but recalibrated to suit operational exigencies. Conversely, the Indonesian model, shaped by post authoritarian civil and military relations, continues to privilege hierarchical loyalty over procedural transparency, thereby exposing the institution to risks that may undermine public trust and legal predictability. This conceptual gap highlights the need to reconstruct the ANKUM framework not merely in regulatory terms, but through an ethical-philosophical reorientation toward military professionalism and institutional accountability.

Indonesia's ANKUM system could benefit from selective adaptation of comparative best practices, particularly in the areas of independent oversight, procedural standardization, and legal education for commanding officers. Importantly, reform must be contextualized within Indonesia's own defense doctrine, civil-military history, and strategic environment. Borrowing uncritically from external models risks normative dissonance; instead, reform should be normatively principled and operationally grounded. The goal is not to transplant foreign systems in their entirety, but to recalibrate the role of ANKUM so that it embodies a modern, credible, and just system of military justice that is capable of fostering discipline without sacrificing institutional legitimacy or ethical integrity.

## 5. Institutional and Structural Challenges in Strengthening ANKUM's Role

One of the central institutional challenges confronting the ANKUM framework in Indonesia's military disciplinary system is the uneven legal competence of officers appointed to exercise this authority. As the manuscript highlights, many ANKUM personnel lack formal legal training, yet are expected to interpret, apply, and enforce complex disciplinary laws. This gap produces wide variability in the quality and consistency of decisions across different units and commands. In practice, such legal uncertainty can compromise not only the fairness of the process but also its legitimacy in the eyes of subordinates.<sup>35</sup> From a normative standpoint, this undermines the principle of equality before military law, and from a philosophical perspective, it destabilizes the moral foundation of command authority that must be based not merely on power, but on justifiable reason.<sup>36</sup> These deficiencies underscore that institutional weakness in the ANKUM system is not merely technical, but fundamentally ethical, reflecting the absence of a coherent moral theory guiding the exercise of disciplinary authority

Structural limitations further compound these institutional weaknesses. Many ANKUM offices operate without sufficient administrative support, investigative tools, or access to integrated information systems. As a result, disciplinary procedures are often delayed, improperly documented, or inconsistently archived, making institutional learning and internal accountability mechanisms nearly impossible. This operational fragility stands in sharp contrast to the demands of modern military operations, where rapid, precise, and accountable disciplinary actions are essential to sustaining cohesion and operational

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<sup>35</sup> Berlian et al., "The Role of Military and Public Prosecutors in Joinder of Parties to Enhance Law Enforcement in Indonesia."

<sup>36</sup> Conor Donohue, "The 'Soul of an Army': A Defence of Military Court Trials for Violations of the Law of Armed Conflict," *Israel Law Review* 54, no. 1 (2021): 24–56, <https://doi.org/10.1017/S0021223720000205>.

tempo. Without technological modernization, the ANKUM system remains bureaucratically rigid and procedurally opaque failing to keep pace with the complexity of violations emerging in the contemporary military environment, including cyber misconduct, psychological abuse, and digital misinformation.<sup>37</sup>

The interplay between personal loyalty and institutional duty also poses a serious dilemma within the ANKUM structure. In a military culture where solidarity, esprit de corps, and hierarchical loyalty are deeply ingrained, the exercise of disciplinary sanctions against peers or subordinates may be perceived as betrayal rather than duty. This tension risks eroding the impartiality of law enforcement and fostering selective enforcement or informal settlements.<sup>38</sup> While the Indonesian military has taken steps to formalize the process, such cultural undercurrents remain largely unaddressed. From a philosophical standpoint, this tension reflects the clash between virtue ethics (loyalty, camaraderie) and deontological duty (enforcing rules impartially),<sup>39</sup> underscoring the need for moral clarity in the role of ANKUM as both commander and enforcer.

External interference, both explicit and implicit, further complicates the exercise of independent disciplinary authority. Political pressures, reputational concerns, or inter-unit rivalries may influence decision-making, particularly in high-profile or sensitive cases.<sup>40</sup> The lack of institutional safeguards to shield ANKUM from such pressures diminishes its independence and opens the door to instrumentalization of military justice for non-legal purposes. This condition not only violates the principle of impartiality but also threatens the institutional integrity of the military as a neutral entity governed by law. As the manuscript indicates, in the absence of a clear separation between disciplinary decision making and extraneous influences, the credibility of ANKUM, and consequently the trust vested in military law, remains susceptible to erosion.

Addressing these institutional and structural challenges requires a multipronged reform strategy that includes legal capacity-building, procedural standardization, digital infrastructure, and ethical realignment. This cannot be achieved through regulation alone; it demands cultural change, leadership commitment, and normative recalibration of what ANKUM represents within the military justice system. ANKUM must be redefined not as a passive executor of hierarchical commands but as a legally literate, ethically grounded, and institutionally supported officer capable of administering discipline that strengthens, rather than fragments, organizational legitimacy. In short, reforming

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<sup>37</sup> Berlian et al., "The Role of Military and Public Prosecutors in Joinder of Parties to Enhance Law Enforcement in Indonesia"; Kusbianto Kusbianto et al., "The Impact of Criminal Policy on Money Laundering Against the Resilience of the Law," *Substantive Justice International Journal of Law* 5, no. 2 (2022): 158, <https://doi.org/10.56087/substantivejustice.v5i2.192>.

<sup>38</sup> Connor et al., "Military Loyalty as a Moral Emotion."

<sup>39</sup> C. Anthony Pfaff, "Virtue and Applied Military Ethics: Understanding Character-Based Approaches to Professional Military Ethics," *Journal of Military Ethics* 22, nos. 3–4 (2023): 168–84, <https://doi.org/10.1080/15027570.2023.2200064>; Nathan L. Cartagena, "Military Ethics and the Situationist Critique," *Journal of Military Ethics* 16, nos. 3–4 (2017): 157–72, <https://doi.org/10.1080/15027570.2017.1409924>.

<sup>40</sup> Matthew Groves and Alison Duxbury, "The Reform of Military Justice," in *Military Justice in the Modern Age*, 1st ed., ed. Alison Duxbury and Matthew Groves (Cambridge University Press, 2016), <https://doi.org/10.1017/CBO9781107326330.002>; Duxbury and Groves, *Military Justice in the Modern Age*; Newton and Brenner-Beck, "Military Justice."

ANKUM is not a matter of functional efficiency—it is a matter of reasserting the military’s moral contract with its members and with the rule of law itself.

## 6. Strategic and Philosophical Justification for Reform

The imperative to reform the ANKUM system within the Indonesian Armed Forces is not merely an administrative necessity but a philosophical demand rooted in the principles of justice, legitimacy, and institutional integrity. The current framework, although normatively structured under Law No. 25 of 2014 and Law No. 31 of 1997, remains burdened by discretionary ambiguity, procedural fragmentation, and the absence of standardized enforcement metrics. These systemic shortcomings indicate that the ANKUM mechanism operates more as a hierarchical tool of control rather than a disciplined, justice-oriented structure.<sup>41</sup> A shift is therefore required from a command-centric paradigm to one that places justice as the ethical core of discipline, consistent with the moral obligations inherent in military leadership.

From a theoretical perspective, the legitimacy of military discipline rests on its alignment with the principles of substantive justice and procedural fairness, both of which are foundational to democratic civil-military relations. Drawing from Rawlsian theory, fairness in disciplinary enforcement cannot be achieved solely through consistency in rules, but through structures that reflect reciprocity, transparency, and rational justification.<sup>42</sup> If the ANKUM system fails to embody these elements, disciplinary outcomes will lack moral legitimacy regardless of their formal legality. Accordingly, reforming ANKUM entails more than mere regulatory revision, as it requires the integration of ethical literacy and reflective judgment into the institutional foundations of military justice.

Strategically, the modernization of ANKUM’s role must include the development of continuous education and certification programs that go beyond legal literacy and incorporate critical reasoning, ethical decision-making, and practical case analysis. As outlined in the manuscript, a system of periodic accreditation would ensure that ANKUM officers possess the interpretive capacity necessary to adjudicate complex disciplinary cases in a manner consistent with both legal mandates and moral obligations. Integrating such a framework would not only elevate the professional standard of military law enforcement but would also safeguard the rights and dignity of personnel within a hierarchically constrained environment.

In parallel, the implementation of a digital case management and integrated information system is essential to strengthening the procedural consistency and institutional memory of ANKUM decisions. The current lack of centralized documentation and real-time legal references undermines the predictability and accountability of the disciplinary process. A digital platform would enable access to relevant legal instruments, precedent cases, and cross-unit data, allowing ANKUM officers to base their decisions on cumulative institutional learning rather than isolated command practice. Moreover, such

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<sup>41</sup> Berlian et al., “The Role of Military and Public Prosecutors in Joinder of Parties to Enhance Law Enforcement in Indonesia.”

<sup>42</sup> Taşkin, “Rawls’ ‘Justice as Fairness’”; Jamnik, “Rawls’ Theory of Justice as Fairness.”

infrastructure would facilitate internal audits and performance evaluations, reinforcing both vertical and horizontal accountability in the law enforcement chain.

At the institutional level, the development of standardized operating procedures (SOPs) and objective sentencing criteria is critical to mitigating interpretive disparities and perceived favoritism. These SOPs must be constructed through multi-level consultation and grounded in philosophical coherence, balancing the demands of discipline with the imperatives of fairness. They should include mechanisms for appeal, restorative dialogue, and peer-review processes, aligning military justice closer to a rehabilitative rather than purely retributive model. This would not only elevate the credibility of the disciplinary system but also foster a culture of accountability rooted in reasoned authority, not unchecked command.

Ultimately, the philosophical justification for reforming ANKUM lies in redefining military law enforcement as an extension of ethical leadership, rather than merely an instrument of institutional compliance. Within a democratic society, discipline should be exercised not as a form of coercion but as an educative and moral practice that reinforces both the operational coherence of military units and the constitutional values they are entrusted to uphold. Reforming ANKUM through this dual perspective, encompassing strategic necessity and philosophical grounding, provides a pathway toward the development of a modern, principled, and resilient system of military justice. Such a system prepares the Indonesian National Armed Forces not only for operational readiness but also for ethical stewardship in responding to evolving internal and external challenges.

Operationalizing ANKUM as an ethical institution requires translating normative theory into institutional design. This study proposes three reform pillars: (1) ethical proportionality matrices to guide sanctioning decisions; (2) mandatory ethical-legal certification for ANKUM officers grounded in justice-based reasoning; and (3) internal review mechanisms to ensure consistency and moral accountability. These reforms do not dilute command authority but recalibrate it, aligning disciplinary enforcement with principles of fairness, legitimacy, and operational trust.

### Conclusion

This article set out to address a critical gap in military justice scholarship, namely the absence of a normative and philosophical evaluation of command-based disciplinary authority in post-authoritarian military systems. Through a normative-comparative analysis, the study demonstrates that ANKUM's authority within the Indonesian National Armed Forces is not merely administratively problematic, but normatively under-theorized. The findings indicate that the concentration of command authority together with adjudicative and punitive functions, when exercised without a coherent ethical framework, produces structural vulnerabilities that weaken both disciplinary legitimacy and operational reading

Rather than proposing generic administrative reforms, this study advances a principled recalibration of disciplinary governance. Specifically, it argues for embedding ethical proportionality as a normative standard in sanctioning decisions, redefining ANKUM certification as a form of moral-legal qualification and institutionalizing internal review

mechanisms designed to constrain discretionary command power without eroding operational authority. These measures reflect a shift from managerial reform toward ethical–institutional reconstruction. Such measures would enhance not only disciplinary coherence but also the operational integrity and morale of military units. Future research should examine the long-term impact of reforms to ANKUM authority on unit performance, as well as undertake comparative empirical studies across military branches and international jurisdictions. Moreover, interdisciplinary inquiry integrating legal studies, ethics, organizational psychology, and military sociology is essential to advance a deeper theoretical understanding of military justice as both a legal institution and a moral practice.

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