

The Parliament and Cooperative Oversight of the Indonesian Armed Forces: Why Civil-Military Relations in Indonesia is stable but still in transition

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Abstract

Parliamentary oversight is a cornerstone of democratic control of the armed forces, but its influence on civil-military relations remains underexplored. We argue that parliaments in transitioning democracies face unique structural challenges in developing robust oversight of the military compared to advanced democracies. We developed a typology of 3 distinctive types of parliamentary oversight and proposed that cooperative oversight potentially offers a solution to structural challenges faced by parliaments in transitioning democracies. In our case study of Indonesia, cooperative oversight promoted harmonious working relations between the Parliament and the military/executive, stabilising civil-military relations. However, cooperative oversight also stalled civil-military reforms, eroded democratic management of the defence sector, and reinforced an unhealthy dependence on the military to self-regulate and the President's appointment power of the armed forces' commander. Our research hopes to stimulate further research into the role of parliaments in the CMR literature.

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The relationship between parliaments and the armed forces is one of the more understudied topics of democratic civil-military relations. In many existing studies, democratic civil-military relations have been understood as the study of relations between the chief executive, the defence minister and ministry, and the armed forces (Bruneau & Goetze, 2006; Croissant, 2009; Ki-Joo Kim, 2014; Neto & Accorsi, 2020; Pion-Berlin, 2009). While analyses of the challenges of executive control have deepened our understanding of CMR, there has been less attention paid to the roles of other civilian actors. In particular, as core democratic institutions, scholars have called for more appreciation of the parliament's role in promoting democratic accountability and governance in the defence sector (Cottey et al., 2002; Díez, 2008; Giraldo, 2006).

Parliaments contribute to democratic civil-military relations and institutionalise civilian control in various ways, with this essay using “parliaments” as a general term for all types of legislative chambers. In the defence sector, a parliament's most important role is to exercise regular oversight over the implementation of defence policy by the executive and the armed forces (Campbell & Auerswald, 2015; Díez, 2008; Lagassé & Saideman, 2017, 2019). Other scholars approach the role of parliaments in the defence realm by considering how legislative inputs enhance democratic accountability, good governance, transparency, and legitimacy of the resulting policies (Cottey et al., 2002; Kohn, 1997). Lastly, taking a more functionalist view, the role of parliaments is also to shape a sound legal framework and make sure that the military and executive fulfil their roles and act within the limits set by law (DCAF, 2015).

Our study is mainly preoccupied with parliamentary oversight of the military in transitioning democracies, in particular our case study, Indonesia. First, we assert that the relationship between the parliament and the armed forces is mediated primarily by the dominant type of parliamentary oversight over the military, which can either reinforce or weaken democratic civilian control. Our goal is to explore variations in types of parliamentary

oversight and its implications and consequences for legislative-military and legislative-executive relations. Second, we emphasise that there is a need to distinguish the specific operating environments of parliaments in transitioning democracies as compared to the research conducted on advanced (mature) democracies, requiring separate theoretical treatment. This is because parliaments in transitioning democracies face unique structural challenges, especially problems of weak institutional capacity, executive dominance in defence matters, and militaries that retain significant institutional autonomy. In such a context, the development of robust parliamentary oversight over the military cannot be taken for granted and there is a need to interrogate the reasons why parliamentary oversight has or has not developed.

Our study seeks to contribute to the literature by answering two main questions. First, we ask why is it so difficult to develop parliamentary oversight in transitioning democracies? Second, how can parliaments in transitioning democracies exercise parliamentary oversight while alleviating the dual problem of executive dominance in defence matters and armed forces that remain as powerful institutional actors?

We use a single case study analysis (Indonesia) to examine parliamentary oversight in a transitioning democracy that had largely completed its first-generation CMR reforms but has yet to fully consolidate civilian control over the military. Specifically, we find that the mode of parliamentary oversight in Indonesia is best characterised by what we term as cooperative oversight. Cooperative oversight emphasises on good legislative-military relations and the encouragement of voluntary disclosure of information from the military in a context whereby parliamentary capacity is weak and the military remains a formidable institutional actor. We argue that while cooperative oversight has offered the Indonesian Parliament a means to conduct oversight under structurally challenging circumstances, it has also impeded further civil-military reforms.

While we acknowledge the limitations of a single case study analysis in terms of its broader applicability to other transitioning democracies and the broader literature, we contend that deep case study research offers a means to test the assumptions and analytical utility of our theoretical framework. The rest of the paper will be divided into six sections. We begin with a review and evaluation of the literature on parliaments and parliamentary oversight in the civil-military relations (CMR) literature and legislative studies literature to explore the difficulties of developing parliamentary oversight in transitioning democracies. Next, we proceed with a section explaining the research methodology of this study and our main theoretical framework, providing a typology of 3 different types of parliamentary oversight strategies.

We then develop our principal argument and explain our choice of the case study (Indonesia). Subsequently, we discuss our main research findings; the Indonesian case study provides a perspective on how cooperative parliamentary oversight operates in a transitioning democracy despite structural challenges. We follow up by discussing the limitations and implications for civil-military relations due to the Parliament's reliance on cooperative oversight (henceforth 'parliaments' refer to parliaments in general, while 'Parliament' refers to the Indonesian Parliament). Finally, we conclude and offer our perspective on the broader relevance of our study for the CMR literature as well as future avenues of research.

Existing Research and the Challenges of Developing Parliamentary Oversight in Transitioning Democracies

There has been growing recognition of the need to understand legislative-military relations as part of a comprehensive assessment of a country's CMR (Giraldo, 2006; Pion-Berlin, 2001). Cottey et al. (2002) argued that a more expansive interpretation of civilian control was needed that took into the account the integral role of parliaments in promoting democratic management and governance of the armed forces. Other authors of the CMR

literature also incorporate assessments of parliamentary institutions to explain and account for the strengths and weaknesses of civilian control in these countries (Eldem, 2017; Pion-Berlin & Trinkunas, 2007).

However, there has been very few systematic treatments of CMR that place parliaments' front and centre in understanding their contributions to civilian control, conducting oversight of the armed forces, and in influencing the country's overall trajectory of civil-military relations. Often, parliaments are supplementary or peripheral to the larger narrative. There is a need for more scholars to explore the roles played by parliaments in the defence sector, account for differences in the parliament's role, and assess the impact that variations in the parliament's role have on civilian control of the military and defence policy outcomes (Giraldo, 2006). Furthermore, there is insufficient attention paid to understanding how civilian policymakers can design or strengthen parliamentary institutions to enhance civilian control, compared to the rich literature examining executive institutions (Pion-Berlin, 2009; Trinkunas, 2000). In our view, the CMR literature can play a larger role to develop insights on how parliamentary institutions can bolster civilian control. We are particularly inspired to apply the insights from the legislative studies literature (which has tended to focus on mature democracies) to examine how parliaments in transitioning democracies influence CMR.

One key reason for the comparative rarity of studies on parliament's role in overseeing the armed forces is that defence issues tend to support "executive dominance". In American political science literature, this is popularly known as the "Two Presidencies" thesis. The thesis argues that the American president enjoys stronger execution authority and exercises special prerogatives in foreign affairs and war where speed of execution and secrecy is crucial than in domestic affairs (Canes-Wrone et al., 2008). Outside of the United States, the literature on legislative studies in advanced Western democracies also agrees that parliamentary oversight

on security issues is often frustrated by an executive that enjoys significant informational advantages and incentive to undermine meaningful parliamentary participation (Mello & Peters, 2018; Raunio & Wagner, 2017).

Nonetheless, there is growing scholarly recognition that parliaments can contest executive dominance in defence affairs by strengthening legislative institutions and thereby influence defence policy. In the United States, the House Armed Services Committee and its Senate counterpart are well-staffed by professional staff assistants, many of whom formerly served in the Department of Defence (Giraldo, 2006). In addition, members of Congress can rely on support agencies such as the Congressional Research Service, the Government Accountability Office, and the Congressional Budget Office to support oversight activities of the armed forces (Campbell & Auerswald, 2015). Similarly in Germany, members of the German defence committee can rely on their personal staff, expert staff employed by party working groups, and non-partisan parliamentary support staff to support their oversight of the armed forces (Höhne, 2015). Strong legislative institutions facilitate the efforts of parliaments to conduct oversight and contest executive dominance.

The challenges faced by parliaments in advanced democracies to exercise parliamentary oversight are magnified in transitioning democracies. We develop our definition of transitioning democracies in the context of Cottey et al. (2002)'s first- and second-generation reforms. Transitioning democracies are countries whereby first-generation structural reforms have successfully loosened the military's institutional control and power, but second-generation reforms related to the development of state capacity and the consolidation of civilian control remain a work in progress.

Compared to the advanced democracies, young parliaments in transitioning democracies have yet to develop the internal capacity needed to effectively utilise their

oversight powers vested in the constitution or laws in a meaningful way. Also, the young parliament faces two additional problems in conducting oversight. First, militaries in transitioning democracies tend to retain powerful institutional prerogatives as they are only partially reformed (Aguja & Born, 2016). Second, defence policy lends itself to executive dominance (just as in advanced democracies).

Compared to advanced democracies, the problems highlighted above create very high barriers to developing parliamentary oversight in transitioning democracies. First, to strengthen the parliament's institutional capacity, parliamentarians must make a compelling case that more of the state's limited financial resources should be channelled to parliament. Second, as most parliamentarians are generalists, parliamentarians will need to invest significant time and resources to develop their expertise in defence affairs, but the electoral value of such an investment is uncertain at best. Third, parliamentarians must somehow persuade both the executive and military officers to share information and work with them, both of whom are likely to prefer less oversight and public accountability.

As a result, it is extremely challenging to develop parliamentary oversight in transitioning democracies. Parliaments must be able to develop their internal expertise/capabilities while alleviating the dual problem of executive dominance in defence matters and armed forces that remain as powerful institutional actors. The next section will attempt to further develop our understanding of parliamentary oversight.

Developing a Typology of Parliamentary Oversight

The preceding analysis makes it clear that parliaments in transitioning democracies face unique structural challenges associated with low levels of parliamentary institutionalisation,

high levels of military autonomy, and executive dominance in defence policymaking. As a result, it is impracticable to expect that the existing body of research on parliamentary oversight focused on advanced democracies can be extended to transitioning democracies without modification.

To develop our research assessing parliamentary oversight of the armed forces in transitioning democracies and its impact on civil-military relations, this study first surveyed the existing literature on parliamentary oversight to deduce and construct three different types of parliamentary oversight. Parliaments conduct oversight through the review, monitoring, and supervision of government and public agencies, including the implementation of policy and legislation (Yamamoto, 2007). The traditional literature on parliamentary oversight borrows law enforcement terminology to distinguish between two main forms of oversight, police patrols and fire alarms (McCubbins & Schwartz, 1984).

Police patrols are what we term as *intrusive* oversight tools—parliaments proactively examine and surveil an agency’s activities by requiring agencies to submit reports/documents, commissioning studies, and conducting regular and periodic inquiries. The goal is to ensure compliance and remedy violations of legislative goals (Fowler, 2015; McCubbins & Schwartz, 1984). Famously, the Senate Select Committee on Intelligence review of prewar intelligence documents pertaining to the 2003 Iraq war led to a full-blown investigation that revealed the CIA’s faulty intelligence assessments, eventually leading to the resignation of then CIA director George Tenet (Left, 2004; Miller & Barabak, 2003). Sanctions or the threat of sanctions are key to intrusive oversight—Congressional invitations to testify in the US are taken seriously, because Congress can subpoena witnesses and cut the budgets of non-compliant agencies (Giraldo, 2006).

On the other hand, fire alarms are *reactive*. Parliaments aim to empower whistleblowers and enable private citizens and interest groups to raise alarms about misconduct and policy failures through press coverage and inviting private citizens and experts to provide their inputs in parliamentary hearings. For instance, in Germany, press freedoms are protected under its Basic Law and journalists cannot be compelled to divulge their sources and informers (Steinlein, 2022). Parliaments want to safeguard press freedoms because they act as watchdogs of executive policies. For instance, a confidential internal report written by federal auditors highlighting the improper use of external consultants in the Ministry of Defence was leaked to the press in 2018 (Gebauer, 2018). Press coverage and public interest spurred the defence committee in the Bundestag to form a nine-person subcommittee to conduct more in-depth investigations and summon ex-Defence minister Ursula von der Leyen to a parliamentary hearing.

A third, relatively recent form of parliamentary oversight, is known as community policing. Eschewing oversight models that assume a confrontational relationship, community policing emphasises a *cooperative* relationship between the parliament and the armed forces/defence sector, whereby through regularised exchanges, the parliament seeks to reward transparency from the armed forces with support and trust (Lagassé & Saideman, 2019). The key here is that community policing results in a mutually reinforcing, positive feedback loop engendering trust and cooperation between the parliament and the armed forces.

Here we propose that the legislative studies literature can interact with the existing CMR literature to develop new insights. Indeed, both CMR scholars and legislative scholars have made use of principal-agent frameworks productively. In general, the principal-agent framework analyses interactions in situations when one person has delegated authority to someone else to act on his behalf. We view parliamentary oversight of the military as a primarily a principal-agent problem—parliament's goal is to optimise the military agent's

performance so that it is consistent with parliamentary priorities while incurring the lowest possible monitoring costs (Feaver, 2005).

With reference to Table 1 below, this paper distinguishes between the three main types of oversight strategies used by parliaments in relation to the armed forces. Our parliamentary oversight typology provides a useful analytical tool that emphasises on the civilian side of the civil-military strategic interaction. This allows us to examine the menu of possible strategies available to parliaments and to make predictions about the impact or implications of the nature of parliamentary oversight on civil-military relations in the country of interest.

(Table 1)

The above table summarises differences in the three types of oversight strategies proposed by other scholars, with our modifications (Lagassé & Saideman, 2019; McCubbins & Schwartz, 1984). We propose three variables “Institutional Capacity”, “Trust in Armed Forces” and “Relationship with Executive” that influences the likelihood that parliaments would choose to adopt specific oversight strategies. The three explanatory factors operationalise the nature of the strategic interaction between civilians and the military highlighted by agency theory to assess the parliament’s choice of oversight strategy and monitoring mechanism (Feaver, 2005).

In a nutshell, agency theory argues that principals decide on whether to monitor agents intrusively, while agents decide whether to adhere to civilian preferences, based on the expected costs of monitoring and the likelihood of punishment. The variable “Trust in the Armed Forces” specifies parliament’s assessment (possibly wrong) of whether the military can be trusted to act in accordance with its preferences. We expect that as parliamentarians increasingly believe that military preferences are aligned with parliamentary preferences, trust

in armed forces is likely to increase and parliament is likely to discount the need to monitor intrusively.

The variable “Relationship with Executive” aims to account for the limitations of principal-agent theories assuming only a single civilian actor or principal. Given the tendency for executive dominance in defence affairs, the legislative-executive relationship can complicate or reinforce efforts to control the military. Indeed, the differing interests of civilian principals can make it harder to assert control over the military, giving the military more room to resist or alter civilian goals (Avant, 1994). We postulate that parliament is more likely to actively scrutinise executive management of the military when the president does not have control of the majority parties in parliament (leading to a more confrontational relationship), and this can influence the quality and intensity of parliamentary oversight.

Finally, the variable “Institutional Capacity” specifies the parliament’s available capacity to conduct oversight of the armed forces (budget, manpower, time, formal legal powers etc). We postulate that parliamentarians’ willingness to pay the cost of monitoring the military agent is relative to the parliament’s available institutional capacity. As rational and cost-sensitive individuals, civilian principals prefer to minimise intrusive monitoring and they will only do so if the cost of monitoring is lower than the expected payoff of detecting and punishing the military agent’s shirking (Feaver, 2005). We expect that as the institutional capacity of parliaments increases, the cost of monitoring goes down, and parliaments have the potential to engage in more intrusive and active monitoring activities (if they want to).

In the “real world”, we expect that parliaments employ one or more strategies depending on what parliaments hope to achieve. In distinguishing three types of oversight strategies, we are not advocating that one type of strategy is necessarily “stronger” or “better” than other strategies. Cooperative oversight is at the bottom of Table 1, but it is also the bedrock

of parliamentary-military relations—without a framework for regularised exchanges of views to broker compromises and find joint agreement, CMR is likely to be gridlocked.

Our main contention is also that the over-reliance or over-emphasis on any single strategy is likely to weaken rather than strengthen parliamentary oversight. In the context of transitioning democracies with weak parliamentary institutions, defaulting to cooperative oversight could mean that it forecloses opportunities for public inputs to contribute to policymaking and precludes sanctioning objectionable behaviour which could unleash a slippery slope leading to democratic erosion. Finally, the column on “Legislative Tools” provides a list of parliamentary activities corresponding to each oversight strategy that enables researchers to determine the dominant type of oversight strategy in each parliament.

Why Cooperative Oversight is Suitable for Transitioning Democracies—Indonesia as a Case Study

Our principal argument is that cooperative oversight offers parliaments in transitioning democracies a means to navigate structural challenges associated with low levels of institutional capacity, high levels of military autonomy, and executive dominance in defence policymaking. Cooperative oversight refers to an oversight strategy utilised by parliaments to build partnerships and harmonious working relationships with the armed forces and the executive branch. It offers a low-cost means of securing the cooperation and participation of the armed forces and the executive in parliamentary oversight activities.

Our working hypothesis on why parliaments in transitioning democracies prefer to utilise a cooperative oversight strategy is as follows. First, the practice and rhetoric of partnership and trust obfuscates the parliament’s severe institutional weaknesses vis-à-vis the armed forces and seeks to move forward by finding points of agreement and consensus.

Second, cooperative oversight's non-confrontational style does not directly threaten the military's institutional autonomy or its core institutional interests. Third, cooperative oversight positions the parliament as a supportive and constructive player able to work together with the executive branch on matters relating to defence and the armed forces. Taken together, this approach eschews more costly oversight strategies that are ill-suited to the parliament's limited institutional capacity and relies on/encourages the voluntary disclosure of information from the armed forces and the executive branch.

The implications of such a mode of oversight on the nature of civil-military relations in transitioning democracies are worth considering. First, given the fluid nature of civil-military relations in a transitioning democracy, harmonious and productive working relationships between parliament and the armed forces/executive branch promote stability in civil-military relations and reassure the armed forces that its interests will be respected. Second, cooperation and collaboration between the parliament and the executive branch ensure that civilians present a united front, and the armed forces cannot play one branch of the government against the other. Third, the unwillingness to confront or challenge the interests of the armed forces or executive also means that the parliament is unable to advance reforms needed to strengthen civilian control or to punish the armed forces for non-compliance. Overall, we argue that while a cooperative oversight strategy helps to stabilize civil-military relations, it also hampers the ability of parliament to advance the civil-military reform agenda.

Our paper utilises Indonesia as the main case study for our analysis of cooperative oversight. Indonesia is a transitioning democracy that had largely completed its first-generation reforms in dismantling military influence in the civilian realm but has fallen short in its second-generation reforms (Mietzner, 2006). As evident from Table 2 below, many of the civil-military reforms needed to bolster civilian control remain outstanding. One key reason for the continued institutional strength of the Indonesian military originates from the contingent historical

circumstances behind the fall of the Suharto regime. As the Indonesian Armed Forces (TNI) retained formidable organizational and institutional advantages even after the fall of President Suharto, civilian politicians allowed the military to conduct internal military reforms during the democratic transition.

(Table 2)

Indeed, the military's self-regulation has been a defining characteristic of civil-military relations in Indonesia. The military moved pre-emptively to withdraw from politics and extricate itself from its role in civilian policymaking during the early democratic period. In addition, the military proved successful in stalling the follow-up reforms needed to strengthen civilian control and curtail the TNI's institutional autonomy, for instance, in the phasing out of the military's territorial commands and its subordination to civilian courts (Crouch, 2010; Malley, 2008; Mietzner, 2006). This has meant that the TNI retains both latent political and organizational power to intervene in the civilian realm if it chooses to do so (Gunawan, 2017b). Therefore, Indonesia represents a good example of a transitioning democracy whereby the military retains significant institutional autonomy despite being subordinated formally to civilian authority.

In recent years, the TNI's institutional autonomy has also driven its resurgence in the civilian domain, largely due to civilian actors' need to leverage its organisational or political support. As a political outsider, incumbent President Joko Widodo (Jokowi) had found it expedient to appoint multiple ex-generals in his cabinet and seek the military's support due to his lack of affiliation with the political and military elite (IPAC, 2016; Sambhi, 2021). The TNI's expansion into the civilian realm can be seen in the appointments of prominent former generals and officers in cabinet positions and the placement of *active* officers in high-ranking positions in various civilian government agencies and state-owned enterprises in violation of

restrictions set out in the 2004 Law on the TNI (Kontras, 2020; Sambhi, 2021; Yosarie, 2019, 2021).

The TNI is also increasingly involved in routine and non-defence government matters such as promoting food sufficiency and assisting in infrastructure construction, among others (Gunawan, 2019; Sebastian et al., 2018). Most recently, the TNI's prominent role in the COVID-19 pandemic had also raised questions about the "partial militarisation" of pandemic management, suggesting both the dependence of civilian actors on military capacity and the weakness of civilian oversight (Laksana & Taufika, 2020; Mengko & Fitri, 2020).

The main CMR issue for Indonesia is that it has struggled to develop robust civilian institutions able to monitor the military. Civilian control remains overly dependent on the President's control through his ability to appoint his preferred TNI Commander (Mietzner, 2011). The Ministry of Defence is the main defence institution in the executive branch but remains dominated by retired/active military personnel and due to its overlapping authority with the TNI Commander, is also unable to play an effective role in asserting civilian control over defence organisation and defence policymaking (Gunawan, 2017a).

The Indonesian Parliament was also originally conceived as part of a system of checks and balances in a separation of power regime, providing it with substantial independent legislative, budgetary, and oversight powers. Compared to the New Order period under President Suharto, the Parliament gained a strong oversight function over the executive through its rights of interpellation, inquiry, and the ability to state its views (Ziegenhain, 2008). The norm of parliamentary oversight over the military was also promoted as an important democratic safeguard and formalised in the parliament's ability to approve the President's appointment of the TNI Commander (Manea & Rüländ, 2020). Unfortunately, researchers also agree that the Indonesian Parliament has yet to develop the capacity needed to utilise its

institutional powers and conduct effective parliamentary oversight of the armed forces, with significant consequences for civil-military relations in Indonesia (Gunawan, 2017a; Sebastian & Iisgindarsah, 2011).

We argue that the development of cooperative oversight as the predominant mode of parliamentary oversight is key to both the stability of civil-military relations as well as the stagnation of civil-military reforms in Indonesia. We explain our findings in the following section.

Cooperative Oversight of the Military: Implications for Indonesia's Civil-Military Relations

Most of the work and function of the national parliament in Indonesia are exercised by the 11 sectoral policy commissions. Reflecting the balkanised nature of parliamentary work, key decisions are made in individual committees and then endorsed by the rest of Parliament (Sherlock, 2012). Commission I, the parliamentary committee overseeing defence matters, foreign policy, communications and information, and intelligence, is therefore the main locus of parliamentary activity on defence issues. It is composed of 53 members of parliament (MPs) and represented by members of all the political parties in Parliament.

Commission I exercise the Parliament's statutory powers on its behalf and the available oversight tools related to the military are summarised below. As seen in Table 3 below, the legislative tools available to Commission I straddle all three oversight strategies highlighted in Table 1. For instance, Commission I can organise a committee of inquiry or use its interpellation right to demand information from the government, legislative tools closely associated with intrusive oversight. Similarly, Commission I can organise expert or public

hearings to seek public input and to challenge the government or military viewpoint, which are associated with reactive oversight.

(Table 3)

(Figure 1)

While the potential for more robust oversight strategies exists, Figure 1 clearly shows that the bulk of Commission I's activities are cooperative oversight activities, including working visits (*kunjungan kerja*), public hearings (*rapat dengar pendapat*), and working meetings (*rapat kerja*). In contrast, public consultations, activities related to reactive oversight, take up only a miniscule amount of Commission I's time. We found no instances of intrusive oversight in our data relating to the defence sector.

Why does Commission I mainly rely on cooperative oversight for its work? We view this as the result of a combination of weak institutional capacity, its high level of trust in the military, and its collaborative relationship with the executive branch. For instance, in theory, Commission I can organise a committee of inquiry to scrutinise the armed forces. Yet the very high threshold requirement (25 MPs must agree to put in a request, and the full Parliament must approve the request), the presence of an oversized government coalition keen to collaborate with the executive, and a high degree of trust in the military, means that such committees are rarely formed. We explain our arguments below.

A combination of different factors underlines Commission I's institutional weaknesses, mainly revolving around information access and the ability to process the information. First, as Commission I is not a specialised committee, members must divide their time and attention across defence, foreign policy, communications, and intelligence, as well as party/constituency work. Second, members possess very low levels of expertise in defence matters and the high turnover rates of MPs make it difficult to accumulate defence expertise (Gunawan, 2017a;

Sherlock, 2012). As most MPs in Commission I are career politicians and businessmen (see Figure 2 below), defence expertise is mainly concentrated on the small number of former military officers. Third, it is difficult for MPs to find qualified parliamentary staff with expertise in defence matters to support oversight activities. Fourth, MPs are highly reliant on the defence minister and/or TNI Commander sharing information on defence sector developments—Commission I members do not possess subpoena powers to compel the handing over of executive documents; the 2008 Freedom of Information Law also limits the disclosure of information on defence and military policy (Gunawan, 2017a).

(Figure 2)

Institutional weakness helps to explain Commission I's dependence on a cooperative oversight strategy. During the annual budget cycle, the government provides more than 3000 pages of material detailing its defence expenditures. However, Commission I members do not have the expertise to process and scrutinise all the information, leading to a reliance on random checks (Rüland & Manea, 2013). With members' time being divided among many different tasks and the inability to source information independently, Commission I members seek to create opportunities for the voluntary disclosure of information from military officers on issues of concern.

Cooperative oversight in Indonesia is best understood through the regular and routine mechanism of holding working meetings with the TNI and defence ministry as well as working visits to military bases. Commission I frequently hold closed-door meetings with senior military officers and the Minister of Defence/Vice-Minister of Defence. These sessions provide opportunities for the discussion of current developments, foster mutual understanding, and for MPs to seek clarifications from senior military officers and the defence minister. Table 4

provides a list of agenda items for a selection of working meetings while Table 5 provides a few examples of MPs' working visits to military bases.

(Table 4)

(Table 5)

Working meetings and visits highlight the routine work of democratic management of the defence sector, and they express the constructive, supportive, and non-confrontational style of cooperative oversight. In a nutshell, cooperative oversight establishes Commission I as a reliable partner to maximize cooperation from military officers and the executive. Investing in more costly oversight strategies, while theoretically possible, does not make sense considering the parliament's high levels of trust in the military and a strong collaborative approach with the executive.

Commission I's relationship with the TNI is underpinned by good working relations. The TNI is seen as a partner (*mitra*) which Commission I work with to advance common interests in developing state defence rather than institutions where their powers need to be actively checked or scrutinised. This is developed through the building of strong links and trust with senior defence officials. In recent years Commission I members had solidified relations with the TNI Commander through informal interactions. For instance, MPs visited the personal residences of the current (Andika Perkasa) and previous (Hadi Tjahjanto) armed forces commander, to build rapport and share a meal, before them taking up the armed forces commander position (Aditya, 2021). The nature of this close working relationship is also evident when MPs expressed their support for the appointment of Andika Perkasa because they were familiar with and had worked with him while he was the chief of army (Safitri, 2021).

One key reason for MPs' high level of trust in the TNI is the high degree of ideological convergence between the civilian elites and the military elites on the need for defence

transformation and improving the welfare of ordinary soldiers. To get a sense of Commission I's work and priorities, over 1200 news articles published on the official parliament website between 2009 and early 2021 were manually coded into various categories and topics (1/3 pertained to defence matters). Regarding Figure 3 below, the breakdown indicates that Commission I was most interested in defence matters as they pertained to the TNI's role in internal security, the state of Indonesia's military equipment, and military welfare. As these are all issues of interest to the military, this demonstrates the strong convergence in thinking and outlook between MPs in Commission I and the military elites.

(Figure 3)

Indeed, MPs frequently invoke strong imagery about the TNI, praising the military as the spearhead (*ujung tombak*) of Indonesian sovereignty and military power (Hayati, 2021). MPs seek to symbolically demonstrate Parliament's support for defence modernisation, and this was evident in September 2021 when Chairman of Commission I, Meutya Hafid, handed over a giant cardboard key to Chief of Army Staff Andika Perkasa for a symbolic handover of 335 new vehicles to the Army HQ (DPR RI, 2021). High levels of trust between MPs and military officers have contributed to the stability of civil-military relations in Indonesia. As Commission I member Farah Puteri Nahlia puts it, civil-military relations are stable in Indonesia today because conflicts between civilians and the military are minimal (Farah Puteri Nahlia, personal communication, 11 Jan 2022).

Finally, a strong and oversized government coalition underscores the cooperative and collaborative relationship between the executive and legislative branches, extending to Commission I and the defence minister. Currently, the government coalition comprises about 82% of all the seats in Parliament. Promiscuous power-sharing has long been a feature of Indonesia's democratic politics, and in general political parties are highly transactional (Slater

& Simmons, 2013). In addition, the strong control wielded by leaders of the party caucus in commissions over individual MPs also precludes individual initiative for oversight (Sherlock, 2012). There is therefore no demand for more aggressive or confrontational oversight of the government's defence policy.

In summary, Commission I's reliance on a cooperative oversight strategy is a result of institutional weaknesses, high trust in the military, and a collaborative relationship with the executive. This has had significant implications for civil-military relations in Indonesia. Cooperative oversight promotes harmonious working relations with the TNI/defence ministry and promotes voluntary information sharing with MPs. This stabilises civil-military relations and provides a low-cost mechanism for oversight in a context where an institutionally disadvantaged parliament confronts a military retaining strong institutional prerogatives.

Cooperative Oversight and Implications for Civil-Military Relations in Indonesia

While cooperative oversight developed in the context of an unfavourable institutional environment, Commission I's reliance on cooperative oversight also contributed to the stagnation of civil-military reforms in Indonesia. Most importantly, cooperative oversight's emphasis on constructive and non-confrontational oversight produced 3 main consequences for civil-military relations in Indonesia.

First, Commission I's shift to a cooperative oversight strategy meant that it is no longer playing an agenda-setting role in conjunction with civil society to advance further civil-military reforms. Historically, the successful passage of reformist legislation such as the 2004 Law on the TNI relied on the inputs of civil society organisations in crafting provisions to strengthen civilian control of the TNI (Malley, 2008; Sukma, 2013). Today, Indonesia's civil society

organisations (CSOs) such as Setara Institute, Imparsial, and Formappi continue to advocate for the completion of unfinished civil-military reforms (Irawan, 2021; Yosarie & Hasani, 2019). However, Indonesia’s CSOs are deeply pessimistic about the prospects of further reforms—Commission I’s increasing reliance on closed door meetings with the military have reduced transparency in the defence sector and made it harder to identify and stimulate public discussion on outstanding civil-military problems to be addressed (Lucius Karus, personal communications, 9 December 2021).

In addition, a cooperative oversight strategy has meant that MPs do not robustly challenge serious policy failures or mishaps, eroding democratic management of the defence sector. For instance, equipment failures are extremely common in Indonesia due to aging weapon platforms. The 2021 sinking of the KRI Nanggala 402 submarine which led to the deaths of 53 crewmen was a case in point. Although Commission I summoned navy representatives to provide a public account, followed by closed-door discussions, there remains little clarity on the cause of the sinking (Komisi I DPR RI Channel, 2021). Commission I also did not investigate concerns that the submarine exceeded its crew carrying capacity and that the quality of its maintenance was inadequate (Detik News, 2021). With reference to Table 6 below, our research found that Commission I had also failed to investigate and conduct robust oversight of similar incidents in the past. Commission I’s inability to take a more forceful approach to mobilise public pressure to push for reforms prevented it from contributing to efforts to promote better democratic management of the defence sector.

(Table 6)

Furthermore, cooperative oversight made civilian control more brittle as the Parliament’s oversight powers atrophied. Parliaments are an important part of a broader civilian infrastructure geared to strengthening the military’s accountability to civilians—executive

oversight, parliamentary oversight, judicial oversight, and public scrutiny (Born, 2006). Commission I's oversight authority (i.e., its ability to compel the military to participate in parliamentary oversight activities) rests on its ability to shape the defence sector through defence legislation, its approval of the state budget, and approval of the President's choice of TNI Commander. However, cooperative oversight has meant that these powers had not been meaningfully exercised. The lack of a sanctioning mechanism also reduced the incentive for the military and the executive to cooperate fully with Commission I's oversight activities. At least on a couple of occasions, Commission I members have complained publicly about the no-shows of the TNI Commander and the defence minister at its working meetings (Deni, 2021). Ultimately, as cooperative oversight relies on the military's voluntary cooperation, it is unable to enforce compliance to Parliament's requests.

The atrophying of Parliament's oversight powers over the military was also evident from an extraordinary and highly unusual case of open rupture between Commission I MP Effendi Simbolon and the Indonesian Army's Chief of Staff Dudung Abdurachman. In September 2022, Simbolon highlighted the "disharmony" and "disobedience" in the relationship between Abdurachman and TNI Commander Andika Perkasa, implying that their tense relationship made the TNI look like a "group of thugs" (CNN Indonesia, 2022). In response, individual TNI members mobilised a social media campaign against Effendi, calling upon the member to apologise for his comments. A video recording of what appears to be a confidential zoom call was also circulated showing that it was Abdurachman who instructed his subordinates to speak up. Ultimately, the incident was smoothed over with a public apology from Effendi, but the Parliament took no follow-up action against a clear violation of military subordination to civilian control.

The above incident showed that the weakness of cooperative oversight reinforced the tendency for the military to self-regulate and made civilian control more reliant on the

President's power to appoint the TNI Commander, to the detriment of civil-military relations. An important paradigm shift in Indonesia's civil-military relations occurred in 2010 because of the introduction of a long-term modernisation program by President Susilo Bambang Yudhoyono called the Minimum Essential Force (MEF) policy. From the perspective of Indonesia's civil-military relations, the MEF policy marked a shift from the military reform agenda (TNI Reform or *Reformasi TNI*) that preoccupied Indonesian society in the early democratic period (1999-2009) to a defence transformation agenda in the post-reform period after 2009.

In a nutshell, TNI reform was deeply rooted in the democratisation agenda of the early democratic period. It sought to eliminate the TNI's socio-political role, place it under civilian control, and increase military professionalism. TNI reform petered out after the passage of the Law on the TNI in 2004, as efforts to push for the subordination of the TNI to the defence ministry and to push through a military justice bill in 2009 failed (Gunawan, 2017a; The Editors, 2005). In contrast, the 2010 MEF policy emphasised defence transformation of the military—jointness in defence planning and operations, improvements in managing and strengthening the quality of human capital in the TNI, and the development of defence technologies (Laksmana, 2010). As highlighted in Table 7 below, the defence transformation agenda reflected a severe narrowing of the agenda of TNI reform to emphasise military professionalism only, even though many civil-military reforms remain outstanding.

(Table 7)

By and large, Commission I acquiesced in this shift in the civil-military paradigm, which damaged prospects for strengthening its oversight capabilities and its ability to shape Indonesia's civil-military relations. Indeed, given the budgetary requirements of the MEF policy and the fact that parliamentary approval is required for passage of the state budget,

Commission I could have bargained its support for strengthening external defence capabilities in exchange for the strengthening of parliamentary oversight mechanisms or for further reforms inside the military (Maria-Gabriela Manea and Jürgen Rüländ, personal communications, 11 October 2021). Scholars of the European Parliament and American Congress show us that it is indeed possible for parliaments to leverage on issues where they have authority to strengthen their oversight of security policy and the armed forces respectively (Auerswald, 2017; Rosén & Raube, 2018).

Instead, MPs proved susceptible to nationalist arguments in supporting the MEF policy (Manea & Rüländ, 2020). At the same time, MPs acquiesced in the military's view that it should self-regulate. For instance, Commission I member Dave Laksono argued that since the beginning of the democratic reform movement in 1998, the TNI had successfully implemented numerous structural and institutional reforms to *professionalise itself* (emphasis mine) and bring itself under civilian control (Nurhadi, 2021). Unfortunately, cooperative oversight's acquiescence in self-regulation and trust in the military reduces the scope for civilian oversight and makes civilian control more brittle.

Similarly, cooperative oversight has meant that Commission I could not play an effective role in checking the President's appointment of the TNI Commander candidate. Indeed, while the parliament has the power to approve the President's Commander candidate and this is explicitly spelt out in the TNI law, in practice the confirmation of the TNI Commander had become increasingly formalistic in recent years. After the TNI Commander candidate has been selected by the President, the candidate is required to go through a process in Parliament known as the fit-and-proper test (*uji kelayakan dan kepatuhan*), whereby the candidate submits to background checks and questioning by Commission I members in Parliament. Table 8 below shows that the period between the President's submission of a

Commander candidate name to Parliament to his appointment has become increasingly truncated.

(Table 8)

In the past, there was usually a significant time gap between the presidential request for the appointment of the TNI Commander candidate to Parliament and the formal convening of the fit and proper test hearing. This was because Commission I usually needed time to conduct background checks. These checks had previously included the submission of the candidate's personal financial report to the Anti-Corruption Commission and for the Human Rights Committee to scrutinise his human rights track record. These background checks have become highly truncated in recent years and pertinent issues relating to a candidate's background and wealth had been dismissed by MPs as matters of no concern (Putri, 2021). One Commission I MP have suggested that the parliament's fit and proper test was no longer needed, as it created unnecessary politicisation in the appointment of the TNI Commander (Kompas, 2021).

Commission I's ability to scrutinise the TNI Commander candidate is important because the TNI Commander holds the sole responsibility for doctrinal adaptation, troop deployments, personnel supervision, and personnel career development (Gunawan, 2019). Parliamentary scrutiny provides an opportunity for Commission I to signal its preferences about the types of behaviour expected of the TNI Commander. However, as cooperative oversight prioritises harmonious working relations with the President, Commission I had largely deferred to the President's choice of TNI Commander. Without robust parliamentary checks, cooperative oversight has made civilian control more reliant on the President's choice of the TNI Commander.

Broader Relevance of the Study and Conclusion

The preceding sections explaining the development of cooperative oversight as the predominant mode of parliamentary oversight in Indonesia and its contextualisation within the broader context of civil-military relations speak to broader concerns within the CMR literature. Our paper sought to establish that there is a research gap in our understanding of parliaments, especially how these core democratic institutions can influence the trajectory of civil-military relations. More specifically, we argue that parliaments in transitioning democracies face unique structural challenges. They tend to be institutionally underdeveloped, must work together with militaries enjoying significant institutional autonomy, while contesting executive dominance in defence affairs.

In such a structurally disadvantaged environment, we argue that parliaments in transitioning democracies are likely to develop a cooperative oversight strategy that builds partnerships and harmonious working relationships with the armed forces and the executive branch. It offers a low-cost means of securing the cooperation and participation of the armed forces and the executive in parliamentary oversight activities. We propose that cooperative oversight is well-suited to the needs of parliaments in transitioning democracies because it conceals the parliament's institutional weaknesses, does not threaten the military's core institutional interests, and positions parliament as a supportive and constructive player able to work with the executive branch.

Our research on Indonesia offers a perspective on how cooperative oversight works in practice in a transitioning democracy. We highlight that cooperative oversight in Indonesia is conducted mainly through the mechanism of routine working meetings, public hearings, working visits to military bases, as well as informal interactions with TNI commanders. However, cooperative oversight's flaws are also obvious. The Parliament is less able to act as

an agenda-setter to advance unfinished civil-military reforms, democratic management of the armed forces has weakened, and there is an over-reliance on the military to self-regulate and the President's control of the TNI through his appointment of the TNI Commander. We hope that our research on the Indonesian case study offers an example of how exploratory research to understand the role of parliaments and their influence on civil-military relations can be conducted.

Furthermore, our typology of three types of oversight strategies offers a template for scholars to evaluate the nature of parliamentary oversight in other case studies, specifically by examining the parliament's institutional capacity and its relationship with the military and the executive. We have also highlighted the inadequacies of cooperative oversight in providing robust parliamentary control of the armed forces. Our typology also offers a roadmap on how parliaments can "move up" the ladder—building cooperative and harmonious working relations with the military and the executive are necessary but insufficient for robust democratic civil-military relations.

Most importantly, we argue that robust parliamentary oversight requires parliaments to utilise a combination of different oversight strategies to achieve different goals. While cooperative oversight develops a framework for regularised and constructive exchanges between parliaments and the military, reactive oversight brings public inputs into the policymaking process and intrusive oversight is needed to sanction objectionable behaviour on the part of the military agent.

Finally, we suggest that there is room for infusing research on parliaments and their impact on civil-military relations by borrowing from the approaches used by the legislative studies literature. By putting parliaments front and centre in the analysis while accounting for

the structural challenges faced by parliaments in transitioning democracies, we are better able to understand and assess their contribution and impact on CMR.

Tables and Figures

Table 1

Oversight Strategy	Legislative Tools	Institutional Capacity	Trust in Armed Forces	Relationship with Executive	Goal
Intrusive	Commissioning studies, interpellation, subpoena of witnesses and documents	High	Low	Confrontational	Ensure compliance to and/or remedy violations of legislative goals
Reactive	Expert hearings, public consultations	Medium	Medium	Confrontational	Bringing public inputs into policymaking

Cooperative	Working visits, public hearings, working meetings, informal interactions	Low	High	Collaborative	Building good working relations; regularised exchanges
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Table 2

<p><u>List of Outstanding Civil-Military Reforms (Mietzner, 2006)</u></p> <ol style="list-style-type: none"> 1. Revision of territorial command system where troops are dispersed across the archipelago in regional commands down to the village level 2. Reduction of off-budget military financing 3. Subordination of TNI to the Ministry of Defence 4. Civilian court jurisdiction for off-duty offences by TNI members 5. Civilianisation of Ministry of Defence bureaucrats 6. Creation of civilian-led national security council 7. Strengthening of human rights courts

Table 3

Function	Instruments/Tools Related to the Military
Legislative	Propose and amend draft defence legislation in conjunction with the executive branch.
Budgetary	Review the annual defence ministry work plan and scrutinise/amend the state budget. Judicial review removed Parliament's ability to examine or approve individual line budget items. Parliament's approval is needed to pass the budget.
Informational	The right to summon witnesses or government officials for questioning. 25 MPs can submit an interpellation request (an official request for information from the government) or inquiry request (form a committee of inquiry to investigate an issue) to the main parliamentary body.
Consent/Approval	The right to approve the President's choice of TNI Commander, to approve the deployment the TNI in overseas operations, to approve the mobilisation of the national reserve.

Figure 1

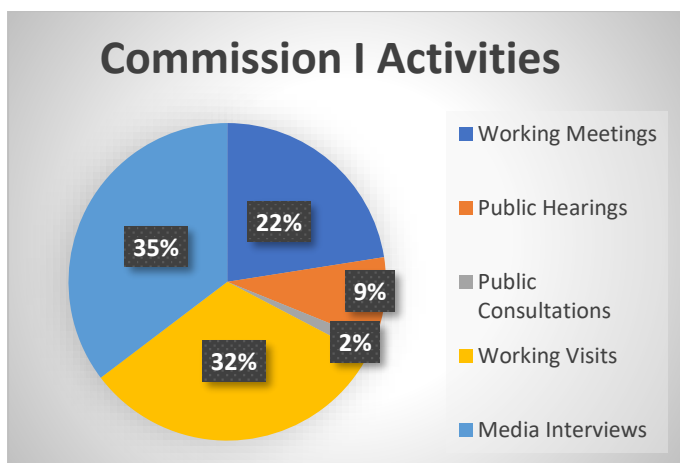


Figure 2

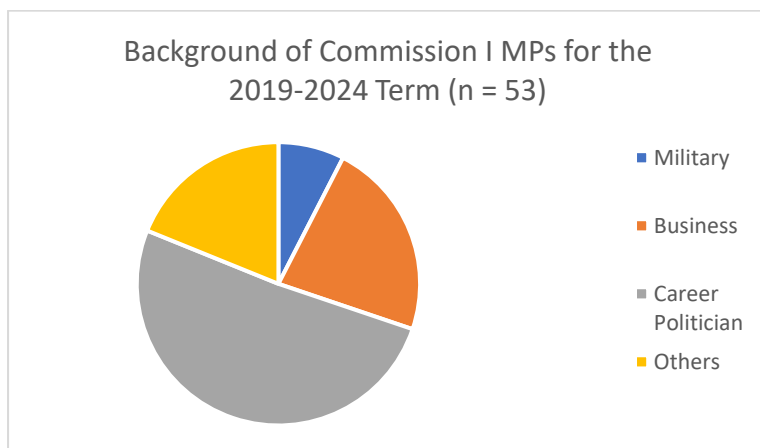


Table 4

Working Meetings	Agenda
24 th March 2022	To obtain parliamentary approval for the sale of former warship KRI Teluk Sampit 515.
27 th January 2022	Discussion of the Reserve Component (development of national reserve system)
22 nd November 2021	Weapons modernisation and maintenance, financing and budget utilisation for weapon modernisation
6 th November 2021	Fit and Proper Test of TNI Commander candidate—conveyance of candidate’s vision and mission, Q & A.
1 st September 2021	Discussion of the financial report of the Ministry of Defence and of the ministry’s work and budget plans for 2022.

Table 5

Working Visits	Agenda
14 th April 2021	Visit to Atang Sendjaja Airbase, Bogor (West Java)

	-MPs highlighted the runway at the airbase was made of grass, creating poor landing conditions during periods of heavy rain.
3 rd April 2021	Visit to HQ of 9 th Military Command/Udayana (Bali) -MPs highlighted the poor conditions of the infrastructure and thanked the personnel for its active role in the management of COVID-19.
18 th March 2021	Visit to Iswahjudi Airbase, Madiun (East Java) -MPs highlighted the importance of ensuring that soldiers obtained sufficient nutrition, urged for the increase of soldiers' performance and food allowances.
20 th February 2020	Visit to Army Strategic Reserves Command HQ (Jakarta) -MPs highlighted that most of the equipment are old and no longer serviceable.

Figure 3

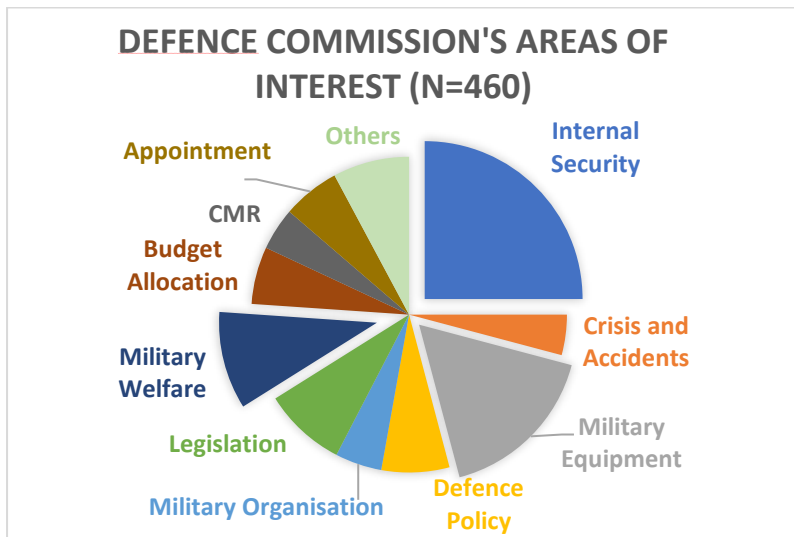


Table 6

Incident	Commission I's Response	Shortcomings
Sinking of warship KRI Teluk Jakarta-541 (July 2020)	Requested the navy to investigate the incident and conduct an investigative audit	Cause of the leak leading to the sinking of the warship remains unknown. No public release of the results of navy's investigation
Crash landing of Hawk 209 aircraft (June 2020)	Requested TNI Commander to reinspect the Hawk 209 aircraft and conduct an investigative audit	Unclear if investigative audit was conducted; reason for the crash remains unknown.
Crash landing of MI-17 in Papua (June 2019)	Requested the military to investigate and supported the government's efforts to sue the manufacturer	Unclear if investigation was conducted by Army; reason for the crash remains unknown. No official statement from the army.

Sinking of warship KRI Pulau Rencong-622 (Sept 2018)	Requested for the Ministry of Defence to investigate	Unclear if investigation was conducted by Army; no official report about the investigation was found.
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Table 7

Reforms	TNI Reform (1998-2009)	MEF Policy/Defence Transformation (2010-?)
Executive Control	✓	
Military Professionalism	✓	✓
Parliamentary Oversight	✓	

Table 8

Candidate Name	President Letter	Fit & Proper Test Hearing	Plenary Approval	Appointed by President	No. of Days
Endriartono Sutarto	10/05/2002	21/05/2002	Nil	08/06/2002	28
Djoko Suyanto	15/01/2006	01/02/2006	07/02/2006	13/02/2006	28
Djoko Santoso	26/11/2007	05/12/2007	08/12/2007	28/12/2007	32
Agus Suhartono	03/07/2010	23/07/2010	27/07/2010	29/07/2010	26
Moeldoko	23/07/2013	21/08/2013	27/08/2013	30/08/2013	37
Gatot Nurmantyo	09/06/2015	01/07/2015	03/07/2015	08/07/2015	29
Hadi Tjahjanto	04/12/2017	06/12/2017	07/12/2017	08/12/2017	4
Andika Perkasa	29/10/2021	06/11/2021	08/11/2021	17/11/2021	14

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