



UDC 344

**THE PROCESS OF RESOLVING MILITARY DISCIPLINE VIOLATIONS COMMITTED
BY TNI SOLDIERS ACCORDING TO THE REPUBLIC OF INDONESIA LAW NUMBER 25
OF 2014 IN ORDER TO STRENGTHEN THE VALUES OF MILITARY ORGANIZATION
RESILIENCE**

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ABSTRACT

Military Discipline Punishment is a penalty imposed by a superior authorized to punish subordinates under their command for violations of Military Discipline Law, as stated in Article 4 of Law Number 25 of 2014. It defines Military Discipline Violations as any act or action by military personnel that violates military laws and/or regulations or contradicts the fundamental principles of military life based on Sapta Marga and the Soldier's Oath. The concept of legal norms in military discipline, including the imposition of military discipline punishment on military personnel through investigation, examination, and the imposition of punishment on soldiers as subjects who explicitly violate disciplinary law, is explicitly articulated in Law Number 25 of 2014 as procedural legal norms. Article 10 of Law Number 25 of 2014 formulates that the imposition of Military Discipline Punishment as intended in Article 9 (Military Discipline Punishment consists of: a. Reprimands; b. Light disciplinary detention for up to 14 (fourteen) days; or c. Heavy disciplinary detention for up to 21 (twenty-one) days) is followed by administrative sanctions according to statutory regulations. Article 27 of Law Number 25 of 2014 stipulates that the resolution of violations through Military Discipline Punishment is carried out through activities or mechanisms: a. Inspection, b. Imposition of Military Discipline Punishment, c. Implementation of Military Discipline Punishment, and d. Recording in the Military Discipline Punishment book. If Anjum in imposing Military Discipline Punishment on their soldiers according to legal norms and the management of military organizations in their unit then will have positive value for the soldier and his family as well as the community at large, resulting in a good value affecting good military organization resilience values by having strength, capabilities, endurance, and perseverance as the objectives of a military organization to face challenges, threats, obstacles, and disruptions from outside or inside, which can directly or indirectly threaten the military organization in carrying out its core tasks. This research is normative juridical research, using legislative approaches, conceptual approaches, and techniques in the form of grammatical interpretation and systematic interpretation. This research provide an overview regarding the process of resolving military discipline violations committed by TNI AL soldiers according to Law 25 of 2014 concerning Military Discipline Law aims to strengthen the values of military organizational resilience.

KEY WORDS

Military organizational resilience, authorized punishing officer, military discipline law.

In a rule of law state, every aspect of government action must be based on existing rules. This means the government cannot function in its governance without a regulating authority. Indonesia's existence as a rule of law state is reflected in Article 1 paragraph (3) of the 1945 Constitution which states that Indonesia is a rule of law state. This means that Indonesia, in its national and state life, must adhere to the applicable legal rules. Indonesia also guarantees every citizen an equal position under the law and governance without exception, as stated in Article 27 paragraph (1) of the 1945 Constitution, fourth amendment. Therefore, it is appropriate for the enforcement of justice based on the law to be carried out by every citizen, state organizer, every community institution, including the military.



Enforcement of law in Indonesia is a manifestation of the exercise of judicial power as regulated by Law Number 48 of 2009 concerning the Basic Provisions of Judicial Power implemented in four Judicial environments including the General Court, Religious Courts, Administrative Courts and Military Courts in accordance with its absolute authority.¹ In Law No. 48 of 2009 on Judicial Authority, it is stipulated that one of the implementers of judicial authority is carried out by courts within the Military Court environment, including its composition and procedures regulated by separate laws. The existence of courts in the Military Court environment is also contained in Article 24 paragraph (2) of the 1945 Fourth Amendment Constitution which reads that the judicial power is carried out by a Supreme Court and judicial bodies under it in the Military Court, Religious Court, Administrative Court, General Court and Constitutional Court environments.

Based on Article 1 number 13 of Law Number 34 of 2004 concerning the Indonesian National Armed Forces, it is determined that a soldier is a member of the TNI. Soldiers are citizens who voluntarily dedicate themselves to military service or citizens who are obliged to serve in the military based on legislation. In carrying out this dedication, TNI soldiers are subject to regulations and provisions inherent to TNI soldiers during their service. The binding provisions for TNI soldiers include military criminal law, military disciplinary law, military disciplinary regulations, and other military regulations related to the military environment. The Indonesian National Armed Forces is an organization that serves as the defense force of the Unitary State of the Republic of Indonesia, tasked with implementing national defense policies to uphold national sovereignty, maintain territorial integrity, and protect the safety of the nation. It conducts military operations for both war and non-war situations and actively participates in regional and international peacekeeping duties.² In carrying out their duties and responsibilities, there is certainly a possibility of deviations committed by members of the Indonesian National Armed Forces. These deviations can take the form of violations of human rights, disciplinary violations, and criminal acts. Every disciplinary violation committed by members of the Indonesian National Armed Forces is resolved through internal judicial proceedings or disciplinary hearings, while conversely, if a criminal act is committed, the legal process is handled through Military Courts.

The military institution has a unique role and position in the state structure. As the backbone of national defense, the military institution is required to ensure discipline and readiness of its soldiers in facing all forms of threats to national security and safety. Therefore, almost all military institutions worldwide have specific rules and mechanisms governing punishments for soldiers of the Indonesian National Armed Forces (TNI) who violate discipline within their environment. The Indonesian National Armed Forces (TNI) are part of the general population specially prepared to carry out the duties of defending the nation and its people. Moreover, the TNI is bound by laws and military regulations, so all actions and behaviors must comply with applicable laws and regulations. To fulfill their heavy and highly specialized duties and responsibilities, TNI members are trained to obey orders or decisions without objection and to execute them effectively and efficiently. With the increasing legal awareness among the public, all members of the Indonesian National Armed Forces (TNI) must be increasingly cautious in their actions to avoid acts that may violate applicable legal norms. The Republic of Indonesia (RI) is a state based on the rule of law, meaning that every citizen, government official, and state apparatus member, including members of the Indonesian National Armed Forces (TNI), must obey and adhere to the laws in their daily conduct, both on and off duty. Actions taken by individual or group members of the Indonesian National Armed Forces (TNI) under any pretext or form that violate legal provisions, other applicable norms in life, or contradict institutional rules, discipline, and order within the Indonesian National Armed Forces (TNI) fundamentally damage the authority, dignity, and reputation of the Indonesian National Armed Forces (TNI). If such actions are allowed to persist, they can disrupt public tranquility and hinder the development and cultivation efforts within the Indonesian National Armed Forces (TNI).

¹ Article 25 Law Number 48 of 2009 concerning Judicial Power.

² Article 7 paragraph (2) letter b of Law Number 34 Year 2004 concerning the Indonesian National Armed Forces.



Each member of the Indonesian National Armed Forces (TNI) must obey and adhere to the applicable laws for the military, namely the Military Criminal Code (KUHPM), the Military Discipline Law (KUHDM), and Military Discipline Regulations (PDM), as well as other regulations. These military legal regulations are applied to enlisted personnel, non-commissioned officers, and officers who engage in actions detrimental to unity, the general public, and the nation, which are subject to other applicable regulations for the general public as well. The military is a state apparatus in the field of national defense and security that functions to uphold the sovereignty and integrity of the nation and its people from any obstacles, challenges, threats, and disruptions from external and internal sources, and to achieve national ideals and goals based on the constitution. Furthermore, discipline in behavior and attitude is crucial for both civilian and military state apparatuses, as well as members of the public, in fostering and implementing life in various aspects in accordance with the guidelines of legal principles and existing legislation. Moreover, the renewal of guidelines for fostering and implementing discipline within the military, especially among members of the Indonesian National Armed Forces, is marked by the enactment of Law No. 25 of 2014 concerning Military Discipline Law, which defines Military Discipline Law as regulations and norms to regulate, foster, enforce discipline, and order applicable to the military.³ In this regard, a problem arises, namely what is the process for resolving disciplinary violations committed by TNI soldiers according to the Military Discipline Law and general criminal law and the provisions in general criminal law are basically also used in military criminal law with several exceptions.⁴ The stages also relate to the division of duties and functions of various law enforcement institutions and units within the TNI whose authority regulation includes the following:

- Unit commanders as Supervisors entitled to Punish (Ankum) and Case Submitter Officers (Papera);
- Military police as investigators;
- Military prosecutors as investigators, public prosecutors, and executors;
- Military judges in Military Courts who adjudicate, examine, and decide criminal cases committed by the TNI or equivalent to TNI personnel according to the law.

In terms of its role in enforcing Military Law, the Commander as Ankum is a superior who, under Law Number 25 of 2014 concerning Military Discipline Law, is authorized to impose disciplinary penalties on every TNI soldier under their command if the soldier violates disciplinary laws. In cases where such violations constitute criminal acts, certain commanders at the level of naval base commanders, air base commanders, or battalion commanders can act as Supervisors entitled to Punish who, by law, have the authority to impose disciplinary penalties on soldiers who violate discipline within their units.

The military are individuals who are educated, trained, and prepared for combat. Therefore, specific norms or rules are established for them. They must adhere strictly to the code of conduct defined clearly and are closely monitored by their superiors during implementation. Some consider discipline to be paramount for the military, and one of the elements to enforce discipline is the law. Therefore, indirectly, the law upholds military discipline. Military personnel fundamentally have awareness, obedience, and compliance to execute legal regulations, military regulations, and the way of life applicable to the military, commonly referred to as military discipline.⁵ The provisions regarding military discipline are regulated through Law No. 25 of 2014 concerning Military Discipline Law in Indonesia. Military discipline law comprises regulations and norms to govern, cultivate, enforce discipline, and the way of life applicable to the military. The presence of military discipline law aims to achieve organizational development, personnel development, enhancement of military discipline, and enforcement of military discipline law with consideration for utility and justice. To ensure compliance and implementation of military discipline law, military personnel face the threat of military disciplinary punishment and administrative sanctions.

³ Article 1 number 4 Law Number 25 of 2014 concerning Military Discipline Law.

⁴ S.R.Sianturi, *Military Criminal Law in Indonesia*, Indonesian National Army Legal Development Agency, 2010, p. 18.

⁵ Article 1 number 2 of Law Number 25 of 2014, concerning Military Discipline Law.



TNI soldiers play a key role in safeguarding the sovereignty and integrity of a nation. They are responsible for defending the country from external threats, maintaining internal stability, and supporting foreign policies. In the context of national resilience, the military must maintain high discipline to carry out their duties effectively and efficiently. Therefore, it is important to understand how military discipline law contributes to efforts in achieving strong national resilience. Military discipline encompasses regulations and norms governing the behavior of military personnel in carrying out their duties. Adherence to these regulations is crucial to maintain military effectiveness and security. When military discipline is weak, it can lead to vulnerabilities in facing threats and increase the risk of violations that could damage the image and professionalism of the armed forces.

Increasing violations committed by soldiers due to low morale may result in a lack of motivation to protect the country from external and internal threats. Soldiers with low morale may also lack loyalty and discipline, neglect important duties, and even engage in legal violations or rebellious acts. Chief of Staff of the Indonesian National Defense Forces (TNI), Admiral Yudo Margono, while serving as the Inspector of the Operation Ceremony for Law Enforcement and Justice Operations (Opsgaktib) for the year 2023 at TNI Headquarters in Cilangkap, East Jakarta, stated, "Based on operational data reports on Opsgaktib and Military Police Justice in 2022, there is still an increasing trend in the number of cases compared to 2021. Prominent cases include a 50.6 percent increase in discipline and regulation violations committed by military personnel across the three branches/ TNI soldiers. Chief of Staff of TNI added that, in addition to the increased military discipline violations, the number of cases or criminal violations of desertion involving TNI soldiers also increased by 13.55 percent in 2022."⁶

The moral condition of TNI soldiers greatly influences the level of violations committed by TNI soldiers in the unit. According to Copeland (1980) moral qualities include discipline, self-control, self-respect, loyalty, self-confidence and a deep understanding of self- and corporate pride. Various studies have been conducted and show that there is a correlation between high and low soldier morale and high or low levels of disciplinary violations. Over the long term, this impact could affect recruitment to join the armed forces and reduce the number of qualified military personnel. This of course increases national security risks in situations that test national resilience. To measure the increasing risk to national security in situations testing national resilience caused by low soldier morale due to inappropriate disciplinary punishment, several steps that can be taken include:

- Conducting regular evaluations of the discipline and morale levels of soldiers. By conducting regular evaluations, it will facilitate the detection of potential issues and planning appropriate actions;
- Implementing a suitable and effective punishment system as a deterrent for disciplinary violations. Appropriate punishments will have a deterrent effect on soldiers, thereby preventing repeat violations in the future;
- Providing continuous training and mentoring for soldiers to enhance awareness and compliance with the regulations and values applicable within the military institution;
- Improving the supervision and control system for soldiers to prevent disciplinary violations and enhance accountability;
- Identifying factors causing low morale among soldiers and finding suitable solutions or improvements, such as enhancing soldiers' welfare, providing more intensive mentoring, or organizing activities to boost motivation and morale.

By taking these steps, it is hoped that they can help measure and reduce the risk to national security in situations testing national resilience stemming from low morale among soldiers, which potentially leads to military disciplinary violations resulting in disciplinary punishments being imposed on military personnel, thereby automatically affecting the resilience values of the military organization.

⁶ Rifki, A. (2023). *Number of Soldier Violations increases by 50.6 percent, TNI Commander Holds Opsgaktib and Yustisi 2023*. Jakarta: Special/viva Military, Jakarta.



METHODS OF RESEARCH

This legal research is normative juridical research, namely research carried out by taking an inventory of statutory regulations with a research approach in the form of a statutory approach and requires sufficient references in the form of available legal materials to resolve the problems that occur which examine the relationship between statutory and legal regulations. Furthermore, this research uses legal materials in the form of primary legal materials which are statutory regulations. To obtain the necessary data, namely: the 1945 Constitution of the Unitary State of the Republic of Indonesia, Law Number 34 of 2004 concerning the Indonesian National Army (State Gazette of 2004 Number 127), Law Number 48 of 2009 concerning Judicial Power (2009 State Gazette Supplement Number 5076) and Law Number 25 of 2014 concerning Military Discipline Law (2014 State Gazette Number 5591 as well as secondary legal materials in the form of literature, books, newspapers supporting legal provisions in primary legal materials.

RESULTS AND DISCUSSION

TNI soldiers, as citizens, are obligated to adhere to specific legal regulations applicable to TNI soldiers such as the Military Criminal Code (KUHPM), Military Discipline Law, Military Discipline Regulations, and other regulations related to military life. These military regulations must be strictly followed by every TNI soldier, including Enlisted Personnel, Non-Commissioned Officers, and Officers, so that TNI soldiers perform their duties without engaging in actions that could damage or harm the reputation of their unit, society, and the nation. Every military personnel, in carrying out their duties and responsibilities, must maintain disciplined behavior by adhering to Military Discipline Law. There are several factors that cause TNI soldiers to commit disciplinary violations, including: insufficient emphasis on the values of faith and devotion to the Almighty God; the fault lies in the soldier's social interactions; there are still many soldiers in the execution of duties, with mental attitudes and behaviors that are dishonest, unclean, and we still see soldiers performing actions that are not commendable; lack of understanding and practicing the seven military principles, soldier's oath and eight TNI obligations and legal regulations within the TNI environment to be applied in their daily lives.

Based on that understanding, when associated with the soldier's oath, where the meaning of the oath includes loyalty, obedience to the government, the state's ideology, law, military discipline, and fulfilling all duties and responsibilities with a sense of responsibility. Symptoms and tendencies of declining values of piety and faith among soldiers.

Basically, humans have a great desire to master something. This is because humans have desires given by God since birth. However, humans are given reasoning to think and choose what should be pursued and what should be avoided. When humans make mistakes, deep down in their hearts they know it's wrong, so humans actually know their mistakes. However, in reality, it is the bad desires within humans that are more dominant in always leading them to make mistakes. What's worse, these mistakes are repeated and they never care about the environment around them affected by their mistakes. In this case, it can be seen how difficult it is for humans to realize their mistakes, so they are willing to try to improve themselves. The lack of awareness to improve oneself actually harms oneself and the surrounding environment.

There are still many disciplinary violations committed by Indonesian National Armed Forces (TNI) personnel, despite discipline enforcement being emphasized in each unit. Discipline enforcement in units is carried out by providing understanding and reinforcement to personnel regarding military regulations and other applicable societal regulations, during gatherings, commander's briefings, and through counseling sessions. Sanctions are imposed on personnel who violate these regulations, in the form of disciplinary actions or punishments



as stipulated in Law Number 25 Year 2014 concerning Military Discipline Law, which replaces Law Number 26 Year 1997 concerning Indonesian Army Discipline Law ABRI.⁷

Disciplinary action is carried out by superiors who directly observe soldiers who violate or based on reports, while disciplinary punishment is carried out by superiors who have the right to punish (Ankum) through a Disciplinary Punishment Hearing or delegated to a Military Court. The sanctions given range from physical actions in the form of running away, corveeing, entering battalion cells, Military Police cells and Military Detention Centers to administrative actions such as postponement of promotion, release from position, postponement of military training, suspension and dishonorable discharge (PTDH). The tendency for soldiers to violate disciplinary behavior is influenced by 2 (two) kinds of factors, namely internal and external factors.

One of the factors that influence the tendency of soldiers to violate disciplinary behavior is the individual's personality. Personality is a factor causing the tendency to violate discipline by soldiers. Issues of faith and devotion are essential aspects that influence soldiers' attitudes, behavior and actions in their daily lives. In several cases of violations of discipline, insubordination and crimes committed by soldiers, it was found that understanding of the law was still lacking. They (TNI soldiers) still think they are first class citizens who have legal privileges, so they underestimate the supremacy of law represented by institutions, the police, prosecutors and courts. There is a tendency for soldiers to only fear/obey their commanders so that the police and other law enforcement officers can be threatened not to reveal cases of violations they have committed.

The moral condition of soldiers greatly influences the level of violations committed by soldiers in the unit. According to Copeland (1980), moral qualities include discipline, self-control, self-respect, loyalty, self-confidence and a deep understanding of self-pride and corps. Various studies have been conducted and show that there is a correlation between high and low soldier morale and high or low levels of disciplinary violations. Low soldier morale can be seen from several indications, namely: the occurrence of many cases or problems of mental disorders and disorders which are scientifically called neuropsychiatric; there were many disciplinary violations, insubordination, criminal acts, desertion, immorality, the discovery of members suffering from venereal diseases and members' desire to change units.

The role of leaders in organizations/units is very important because the quality of leadership determines the quality of life of a community, including a Unit. The leadership of a unit commander makes a big contribution to enforcing discipline in the unit so that it can minimize the occurrence of member violations. A good leader is everything to a good soldier. A commander or leader who is not consistent in what he says and is irresponsible will cause his subordinates to lose ground and experience conflict, which will result in deviations and violations by soldiers.

A dynamic work environment and an orderly and clean base influence a person's attitude. Monotonous work situations and deserted and disorganized bases will be very boring, pushing soldiers into stressful situations and affecting soldier morale.

Every individual has abilities and limits both physically and psychologically. Task loads that exceed a person's physical and mental capabilities can trigger stress levels which, if not given attention and treatment, will lead to violations. One of the cases of desertion of soldiers in the unit was caused by a workload that was beyond the physical and mental psychological capabilities of the soldier concerned.

The occurrence of cases of domestic violence (KDRT), there are indications that soldiers are "objecting", become backers for gambling, become bodyguards, are involved in theft, robbery and other criminal acts. Apart from the influence of the individual soldier's mental attitude, other factors are household problems and the burden of economic demands. /cost of living.

Ankum's considerations in efforts to overcome legal violations committed by the

⁷ Nugraha, R. R. (2018). 1) *Suppressing Soldier Violations Through Effective Leadership and Implementing Rewards - Punishments*. Jakarta: *Dissskumtal Subdiskumlater*.



military. Violations of military discipline have a huge impact on the resilience values of military organizations.

Encourage a reduction in the level of violations in the Unit. In leadership there are four elements, namely the human element leading, the human element being led, the means element for leading and the objective element of leadership. From a military perspective, the goal of leadership is to create a unit that has effective fighting power, namely a unit that is organized, equipped and trained to be able to carry out tasks in a relatively short time and with minimal means, energy, costs and equipment and sacrifices. a little bit. Based on the goals and important role of the leader, Plato (Greek thinker) identified that being a leader must have ethical criteria, namely: leader must rely on reasoning power in carrying out his leadership duties; leader must be based on moral norms, especially justice and truth, as well as high concern for the members he leads. The psychological language is a leader who has great empathy.

As is known, one of human needs is attention, recognition or appreciation. The emergence of motivation for someone to act is closely related to that person's psychological needs. Therefore, in order to successfully carry out leadership effectively, a leader in the unit must fully understand the dynamics of the psychological conditions, personality types, motives and norms of his subordinates. Leaders must be able to act as fair judges; this role is very difficult to do because there is a tendency in anyone to side with certain groups that suit them.

In order to realize objective and fair actions, leaders must act based on existing facts and not show favoritism which will ultimately have a negative impact on the development of the unit. So that a leader's decision can be objective, there are four guidelines that can be used in assessing the activities carried out by subordinates, namely:

According to religion, it is true that the actions carried out are subject to the rules that apply in the religion adhered to by the member concerned.

Correct according to the country, the laws and regulations that apply generally to every citizen, the Criminal Code, Laws, etc.

Generally correct, are the rules, norms, values that apply to the general public.

Correct according to the values, norms, rules and regulations that apply within the TNI organization (KUHPM, KUHDM, Protap-protap and others).

A leader must be consistent and have the courage to take responsibility so that he will receive respect and be obeyed. All his actions will be assessed positively by his subordinates and then the soldiers will be willing to carry out their orders and be responsible for what they do. In Javanese philosophy it is stated "Sabda Pandita Ratu Sepisan Dadi Tan Kena Wola-Wali", which means that a leader's words, promises or orders must be clear and kept once they are spoken or issued and must not change so as not to cause confusion among subordinates.

One thing that a leader absolutely must be able to display is honesty and the ability to be a role model for members in his unit, both in thought patterns, speech patterns and action patterns and can be a pioneer in enforcing discipline and rules. With personal qualities like this, a leader will be more effective in rectifying deviations committed by members, thereby minimizing the occurrence of various forms of violations.

Rewards or appreciation have an important role in increasing members' motivation to work and carry out their duties well. One of human needs according to psychological theory is the need for esteem. By understanding and meeting these needs, work performance will increase. According to Maslow's theory, our needs can be described into 5 potential categories as drivers of work motivation, namely:

- Basic or physiological needs such as clothing, food, shelter and sexual needs are basic needs for survival;
- In the form of the need to feel mentally and physically safe in the work environment;
- The need for a sense of belonging such as love, affection, acceptance, friendship and other social needs related to social processes, this need for a sense of belonging is met by providing a pleasant work environment and climate for members, which encourages each individual to feel as an important part of work team;



- The need for self-esteem, namely respect and praise for success and feeling worthy. For members, this need is met by getting appreciation and recognition for their knowledge, skills and hard work. Such need makes individuals satisfied working together with a work team. These needs take the form of financial rewards, salary increases, promotions, school opportunities and so on;
- Self-actualization needs, namely the need to continue to develop and reach the individual's full potential. This need focuses on individual development such as autonomy, creativity, taking risks and meeting one's own needs. This need can be in the form of a desire to develop a career, the opportunity to display high productivity and quality of work, as well as the opportunity to develop and realize creativity.

Several experts on motivation state that rewards are an important factor in efforts to improve a person's performance in addition to other factors. The award that a member receives for his work performance not only influences the individual soldier who receives it but also influences the group, family and environment so that a sense of pride will arise, self-confidence will become stronger and members will feel satisfied because their achievements are recognized, which in turn will increase discipline, and work ethic and reduced member violations.

All violations committed by soldiers, either intentionally or unintentionally, against laws and/or soldier disciplinary regulations and/or committing acts that are contrary to the principles of soldier life based on the Sapta Marga and the Soldier's Oath or violate service regulations, harm the organization and honor of soldiers, lack of discipline in soldiers. will affect the work ethic / performance of the unit. For this reason, it is necessary to apply clear, firm and fair sanctions or punishments for every soldier's violation. Applying punishment to soldiers who violate is not only a deterrent, but more than that it must be able to motivate violators so they can change their bad behavior to good. Punishment must fulfill three aspects, namely fair, provide a deterrent effect and prevent other people from committing the same offense. Many soldiers are willing to follow the rules if they are strictly supervised and controlled. This happens because of the human attitude of wanting to be free and not wanting to be regulated. According to Mc Gregor's theory X, the average human has the following attitudes: Lazy, doesn't like and avoids work; Dishonest; Not interested in achieving work goals; Must be forced or threatened with law to work to achieve organizational goals; Passive and willing to be ordered rather than accepting responsibility; Doesn't like taking responsibility; Can only be motivated by incentives related to physiological or safety needs; Has limited capacity for creative problem solving; Must be properly observed and controlled to ensure work performance.

Every violation, no matter how small, must be taken immediately and must not be delayed. Delays will provide opportunities for violations to occur. If a small incident (violation) is ignored, it will trigger a bigger violation. Many people don't realize that every damage to values starts from small things. The punishment given by the leadership to members who violate the ultimate goal is to create conditions of discipline both personally, in groups and units, namely to create the attitude of soldiers who think orderly, act orderly, and act orderly according to the correct rules. Disciplinary conditions do not grow by themselves but are born and start from personal discipline, leading to family discipline, group discipline, class discipline which ultimately becomes unit discipline. Disorder begins with personal lack of discipline, disorder in using work time which then gives rise to irregularities in administration and official life, which imperceptibly lead to disorder in carrying out official duties. The official regulations are clear, the legal instruments are adequate, so no matter how small a violation must be given sanctions, if the sanctions are carried out consistently and consistently, it will certainly have a big meaning that will have a positive impact on the unit. Thus, leadership, reward and punishment have an important role in reducing the level of soldier violations in the unit. Through the implementation of effective leadership and providing appropriate and proportional rewards and punishment, the level of violations by soldiers in the unit can be minimized to realize the values of military organizational resilience.

Examination/investigation in terms of proving disciplinary violations is slightly different from proof in criminal matters, especially in terms of proof: proof of disciplinary violations only



requires 1 (one) valid piece of evidence, (vide article 37 paragraph (3) of Law 25/2014: "Ankum impose a Military Disciplinary Sentence based on the belief that there has been a Violation of the Military Discipline Law committed by the Suspect, supported by at least 1 (one) valid piece of evidence."

The definition of evidence of a disciplinary violation is regulated in Article 38 of the Law: Valid evidence as intended in Article 37 paragraph (3) includes: evidence; letter; electronic information and/or electronic documents; witness statements; expert information; or suspect's statement.

The evidence and examination files were put together in a Case File which was then used as the basis for Ankum to try the violation of disciplinary law allegedly committed by the soldier.

The mechanism for resolving violations of disciplinary law is regulated in Article 27: "Settlement of violations with Military Disciplinary Punishments as intended in Article 25 letter b is carried out through activities: Inspection; imposition of Military Disciplinary Punishments; implementation of Military Disciplinary Punishments; and recording in the Military Disciplinary Punishment book.

CONCLUSION

The use of disciplinary punishment sanctions by military authorities towards military personnel in accordance with Law Number 25 of 2014 is highly necessary. However, the use of disciplinary law must also consider other legal principles so that legal proceedings can proceed smoothly without resistance, as they are conducted within the appropriate legal corridors and norms or rules to strengthen the values of military organizational resilience. An important consideration frequently encountered by military judicial authorities (Ankum) is "that the examined actions have been proven to commit military disciplinary violations." Therefore, after examining the legal facts, Ankum should carefully consider them.

As a superior authorized to impose punishment (Ankum), it is crucial to ensure that decisions on military disciplinary punishments are not based solely on emotions or personal prejudices, but are grounded in clear facts and evidence. Furthermore, as an authorized superior, it is important to ensure that the punishment imposed is proportional to the offense committed. A punishment that is too lenient may not effectively deter future violations, while one that is too severe could negatively impact the relationship between the superior and subordinates, potentially harming the morale, mental, and psychological well-being of the soldiers. This could also affect administrative sanctions (such as postponement of promotions and schooling), increasing the burden on military personnel and thus impacting the values of military organizational resilience.

Suggestions and recommendations for future improvements include the following:

- The need for authorized superiors (Ankum) to regularly evaluate the level of discipline and morale among soldiers. Regular evaluations will facilitate the detection of potential issues and the planning of appropriate actions;
- The necessity to implement a suitable system of punishment that serves as an effective deterrent for disciplinary violations. Appropriate punishments will have a deterrent effect on soldiers, thereby preventing similar violations in the future;
- The importance of continuous training and mentoring for soldiers to enhance awareness and compliance with regulations and values within the military institution.
- The need for a collaborative approach between superiors and subordinates to foster a sense of camaraderie and create a comfortable working environment;
- The importance of legal awareness and legal education among TNI soldiers to promote legal consciousness and minimize violations. This includes the dissemination of legal information and legal counseling within the TNI environment.

These steps are aimed at enhancing military discipline, fostering a positive organizational culture, and promoting adherence to legal norms, thereby strengthening military organizational resilience.



REFERENCES

1. Indonesian Government. (2014) Article 25 Law Number 48 of 2009 concerning Judicial Power.
2. Indonesian Government. (2004). Article 7 paragraph (1). Law of the Republic of Indonesia No. 34 of 2004 concerning Indonesian National, Jakarta: Indonesian National.
3. Indonesian Government. (2014) Article 1 number 4 Law Number 25 of 2014 concerning Military Discipline Law.
4. Indonesian Government. (2014) Article 1 number 2 of Law Number 25 of 2014, concerning Military Discipline Law.
5. Nugraha, R.R. (2018). 1) Suppressing Soldier Violations through Effective Leadership and Implementing Rewards - Punishments. Jakarta: Discumtal Subdiscumlater.
6. Rifki, A. (2023). Number of Soldier Violations increases by 50.6 percent, TNI Commander Holds Opsgaktib and Yustisi 2023. Jakarta: Special/viva Military, Jakarta.
7. Sianturi S.R., Military Criminal Law in Indonesia, Indonesian National Army Legal Development Agency, 2010, p. 18.