

Indonesian National Army Involvement in Action of Community Organizations threatening the Ideology of the State

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Abstract. The dynamics of the development of Community Organizations (Ormas) and changes in the government system have brought a new paradigm in the governance of social organizations in the life of society, nation and state, as recently happened to the Islamic Defenders Front (FPI). The focus of this research problem formulation: Is the involvement of the Indonesian National Armed Forces in prosecuting community organizations that threaten the state ideology in accordance with the existing law? The results of the research findings: Against the threat of state ideology carried out by FPI mass organizations, it is the TNI's authority to carry out national defense from all forms of threats, in accordance with Article 4 of Law Number 3 of 2002 concerning State Defense in conjunction with Article 1 number 5 of Law Number 34 2004 on the Indonesian National Army. The threat to integration in the field of state ideology, which is multidimensional in nature, which includes various dimensions of the life of the nation and state of the Unitary State of the Republic of Indonesia (NKRI) and has become the responsibility of the TNI in an effort to maintain state sovereignty based on Pancasila and the 1945 Constitution. TNI as a state instrument that plays a role as a state defense tool, and is the main task of the TNI as regulated in Article 7 paragraph (1) of Law Number 34 of 2004 concerning the Indonesian National Army.

Keywords: Indonesian National Army; Community Organization; State Ideology

1 Introduction

Pancasila is the foundation of the Indonesian state which is the foundation or fundamental of the establishment of a country. As the basis of the state, Pancasila is the source of all applicable laws in Indonesia. Not only as the basis of the state, Pancasila is also referred to as the state ideology. Pancasila as the state ideology has its own meaning and foundation. Pancasila is said to be the foundation of state ideology, which contains five precepts covering all aspects of the life of the nation and state. The basis of state ideology can also be interpreted as that Pancasila is a foundation or fundamental, which contains norms and values that can be used as guidelines in everyday life.

The Indonesian nation agrees that Pancasila is the ideology of the State. This means that the Indonesian people have agreed to make Pancasila as the only principle in the life of society, nation and state, it is time for our nation to truly cultivate and practice the values contained in our ideology, namely to practice and cultivate the values. the values of Pancasila. As a guideline in various fields of community, national and state life. In reality today, there are several social phenomena that show a lack of practice of Pancasila values. One of them is caused by a lack of understanding of the values of Pancasila which results in a distortion in the practice of Pancasila values by Indonesian citizens, this is shown by the existence of social conflicts that occur in society that seem endless, even increasingly leading to anarchism, such as war. which are regional in nature, group interests, blind democracy, brawls between the nation's children that are increasingly prevalent not only in cities but in rural areas as well as frequent fights. This is because the practice of Pancasila values has begun to fade. As if people live there is no basic norm, no way of life that regulates the life of the nation and state.

The dynamics of the development of Community Organizations (Ormas) and changes in the government system have brought a new paradigm in the governance of social organizations in the life of the community, nation and state, as recently happened to the Islamic Defenders Front (FPI), the government has banned Ormas. FPI:

There were statements from HTI activists who opposed the state foundation of Pancasila and the 1945 Constitution and stated that the Pancasila and UUD 45 were a tagging system that had to be abandoned so that it eventually caused unrest in the community. This restlessness then prompted the government to issue a Perpu on community organizations which led to the dissolution of HTI organizations.

The Islamic Defenders Front (FPI) was officially banned from its activities by the Indonesian government, Wednesday (30/12/2020). The government argues that apart from being radical, FPI also threatens the country's sovereignty because it is affiliated with ISIS. Apart from FPI, the state also banned the activities of other mass organizations. It was recorded that until the end of 2020, a number of mass organizations were prohibited from carrying out their activities in Indonesia.

What is meant by tagha, according to Ibn Manzur, who quotes Ibn Syayidah's opinion, "tagha comes from the root word tagha which means transgressing and exaggeration in terms of disbelief. Not only that, Ibn Manzur also gave another meaning that the word tagha has the meaning of transgressing in terms of immorality. "

The government through the Director General of General Legal Administration of the Ministry of Law and Human Rights, the government announced the HTI organization on July 19, 2017 was dissolved after the Minister of Law and Human Rights Decree Number AHU-0.AH.01.08 of 2017 was issued. The government dismissed the FPI mass organization, which has 5 million followers. The Coordinating Minister for Political, Legal and Security Affairs (Menko Polhukam) Wiranto said there were three reasons for the government to abandon the organization which had 5 million followers. Besides not having a positive role in the development process in order to achieve national goals. HTI, said Wiranto, has strong indications of contradicting the objectives, principles and characteristics based on Pancasila and the 1945 Constitution of the Republic of Indonesia as regulated in Law Number 17 of 2013 concerning Ormas. In addition, HTI is considered to have caused clashes in society that could threaten public security and order and endanger the integrity of the Unitary State of the Republic of Indonesia.

The Unitary State of the Republic of Indonesia which was born at the time of the Proclamation of Independence on 17 August 1945 cannot be contested by anyone and its existence is guaranteed by the 1945 Constitution in accordance with Article 37 paragraph 5

which reads: "Especially regarding the form of the Unitary State of the Republic of Indonesia, no changes can be made". The preamble to the 1945 Constitution is the second thing that will never change because it is the most basic State rule which contains the basis of the State, the objectives of the State, the ideals and the political principles of the State.

According to Susilo Budi Soepandji, he stated that: "The Unitary State of the Republic of Indonesia is a country that has one territorial unit (in accordance with UNCLOS 1982) from Sabang to Merauke and from Miangas to Rote Island, a united nation called the Indonesian nation (Youth Pledge 1928), a unit of ownership of natural resources for which it is designated. as much as possible for the welfare of the people, one unity of state ideology, namely the ideology of Pancasila, one national political unit which must always side with the national interest, one national economy unit which must always side with the efforts to prosper the Indonesian people, one national cultural unity which having Indonesian identity as a national character and a unique national defense and security system according to Indonesian characteristics, that is the deep meaning of the Unitary State of the Republic of Indonesia."

So, the Unitary State of the Republic of Indonesia is a State that has one unit in its territory, nation, natural resources, Pancasila ideology, political system, economic system, socio-culture and defense and defense system which are Indonesian. If there is a threat that endangers the state ideology, whether it comes from within the country or from abroad, it is the authority of the Indonesian National Army (TNI) as a defense tool of the Unitary State of the Republic of Indonesia, tasked with implementing state defense policies to uphold state sovereignty, maintain territorial integrity, and protect the safety of the nation, so that they are involved in taking action against Ormas that will threaten the state ideology and the integrity of the Unitary State of the Republic of Indonesia..

2 Problem Statement

Based on the above problems, the formulation of this research is "Is the involvement of the Indonesian National Armed Forces in prosecuting community organizations that threaten the state ideology, is in accordance with existing laws?"

3 Literature Riview

3.1 Indonesian National Army (TNI)

Law Number 34 of 2004 concerning the Indonesian National Army, that: The Indonesian National Army as a means of defense of the Unitary State of the Republic of Indonesia, is tasked with implementing state defense policies to uphold state sovereignty, maintain territorial integrity and protect national safety, carry out military operations for war and military operations other than war, and participate actively in regional peacekeeping tasks and international;

Article 5 of Law Number 34 of 2004 concerning the Indonesian National Army, that: (1) The TNI acts as a state instrument in the defense sector in carrying out its duties based on state policies and political decisions. Part Two Functions Article 6 (1) TNI as a means of state defense functions as:

- a. antidote against any form of military threats and armed threats from outside and within the country against the sovereignty, territorial integrity and safety of the nation;

- b. taking action against every form of threat as referred to in paragraph (1) letter a; and
 - c. restorer of the state security condition which was disturbed due to security chaos.
- (2) In carrying out the functions referred to in paragraph (1), the TNI is the main component.

Article 1 paragraph (1) point 1 Government Regulation in Lieu of Law Number 23 Year 1959 concerning Hazardous Conditions, that: The President / Supreme Commander of the Armed Forces declares all or part of the territory of the Republic of Indonesia in a state of danger with the level of a civil emergency or a military emergency or a state of war, if: security or legal order throughout the territory or in parts of the Republic of Indonesia are threatened by rebellions, riots or the result of natural disasters, so there is a concern that they cannot be overcome by normal equipment.;

Article 1 paragraph (1) point 3 explains that: the life of the State is in a state of danger or from special conditions there are or it is feared that there are symptoms that could endanger the life of the State.

3.2 Community Organizations (Ormas)

Freedom of association, assembly, and expression is part of human rights in the life of the nation and state in the Unitary State of the Republic of Indonesia which is guaranteed by the 1945 Constitution of the Republic of Indonesia. The current legal basis for community organizations is Law Number 17 of the Year 2013 concerning Community Organization. The definition of community organizations (Ormas) is contained in Article 1 point 1, that: Community Organizations, hereinafter referred to as Ormas, are organizations that are established and formed by the community on a voluntary basis based on the same aspirations, desires, needs, interests, activities and objectives to participate in development for the achievement of the objectives of the Unitary State of the Republic of Indonesia based on Pancasila.

Pancasila is the basis and philosophy of life in society, nation and state. Therefore, every citizen, both individually and collectively, including Ormas, is obliged to make Pancasila the breath, soul and enthusiasm in managing the Ormas. This is confirmed in the provisions of Article 2 of Law Number 17 of 2013 concerning Community Organization, that: "The principles of mass organizations do not conflict with Pancasila and the 1945 Constitution of the Republic of Indonesia."

In terminology, the term in community organization is very broad and to some extent reflects competitive value. In English it includes several terms, namely voluntary agencies / organizations, non-government organizations (NGOs), private voluntary organizations (PVO), community (development) organizations, 'social action groups, non-party groups, micro or people's movement. No single term can cover all of these terms and to open up some boundaries and divisions. Phillip Eldridge noted that:

The term 'non-government organisation' is potentially open ended and could include groups whose composition is not necessarily targeted towards the poor and disadvantaged nor concerned specifically with their advancement or empowerment. 'Community organization' conveys the cooperative dimension involved but implies a whole community approach rather than one focused specifically on the needs of the poor. 'Social action group' is open-ended as to the type of action entailed.

This is in accordance with the social theory as stated by Oran Young who was quoted by Arbi Sanit that: "The social theory compiled by pluralists illustrates that society is not

composed of individuals, but is formed by groups which are considered as the basic unit of society.”

Recognition and respect for Pancasila and the 1945 Constitution of the Republic of Indonesia as the basis and philosophy of the nation and state, still respect and respect the diversity of Ormas which have a principle of organizational struggle that does not contradict Pancasila, and so do Ormas that make Pancasila their organizational principles. Therefore, in the provisions of Article 59 of Law Number 17 of 2013 concerning Community Organizations, there is a prohibition for Ormas, which is amended by Government Regulation in Lieu of Law Number 2 of 2017 concerning Amendments to Law Number 17 of 2013 concerning Social Organizations, Article 59 which reads:

- a. Ormas are prohibited: (1) use the same name, symbol, flag, or attributes as the narna, symbol, flag, or attributes of government institutions; (2) using without permission the name, symbol, flag of another country or international institution / body to become the narna, symbol, or flag of an Ormas; and / or (3) use the name, symbol, flag, or image mark which has substantially similarity or in its entirety with the name, symbol, flag, or other symbol of an Ormas or political party.
- b. Ormas are prohibited: (1) accept from or give to any party donations in any form that are contrary to the provisions of laws and regulations; and / or (2) raise funds for political parties
- c. Ormas are prohibited: (1) committing acts of hostility towards ethnicity, religion, race or class; (2) committing abuse, blasphemy, or defamation of religions in Indonesia; (3) committing acts of violence, disturbing public order and order, or destroying public facilities and social facilities; and / or (4) carry out activities that are the duty and authority of law enforcers in accordance with the provisions of laws and regulations.
- d. Ormas are prohibited: (1) use the name, emblem, flag, or symbol of an organization which has substantially or in its entirety with the name, symbol, flag, or symbol of a separatist movement organization or banned organization; (2) carrying out separatist activities that threaten the sovereignty of the Republic of Indonesia; and / or (3) adhere to, develop, and spread teachings or understandings that are contrary to Pancasila.

If an Ormas violates the prohibitions stipulated in Article 59 of Government Regulation in lieu of Law Number 2 of 2017 concerning Amendments to Law Number 17 of 2013 concerning Social Organizations, it will be given the sanctions stipulated in Article 60 to Article 68.

3.3 State Ideology

The term ideology comes from the word "idea" which means ideas, concepts, basic understanding, ideals and "logos" which means, knowledge '. The word "idea" comes from the Greek "eidos" which means form. Besides that, there is the word "idein" which means seeing. So literally, ideology means the science of ideas, or teachings about basic definitions. Ideology is an idea and basic ideals regarding the conception of the establishment of a state over a nation in order to create a just and prosperous society. Therefore, Pancasila as an ideology must be understood and practiced by the nation, namely the Indonesian nation.

Furthermore, according to H. Kaelan and Achmad Zubaidi, stated that: “As an ideology of the Indonesian nation and state, Pancasila is not essentially a result of the contemplation or thought of a person or group of people as other ideologies in the world, but Pancasila is lifted from the values of customs, cultural values and religious values contained in the view of life of the Indonesian people before forming the state, in other words the elements are material of

Pancasila, none other than lifted from the perspective of life of the Indonesian people themselves, so that this nation is a materialist cause (material origin) of Pancasila.”.

The elements of Pancasila were then appointed and formulated by the founders of the state, so that Pancasila was positioned as the basis of the Indonesian state and the nation's ideology. Meanwhile, the state itself, according to Aristotle in H. Inu Kencana Syafiie, states that: "The state is an alliance rather than a family and a village, in order to get the best life possible.”.

Aristotle's opinion defines the state in a small scope, namely family and village, while according to Kranenburg in H. Inu Kencana Syafiie, defines the country more broadly, namely: “The state is a system of general tasks and regulated organizations, in the efforts of the state to achieve its goals, which are also the goals of the people / society it covers, there must be a sovereign government.”.

Based on the Kranenburg definition of the state, it views the state as an organizational system of a country in achieving its goals, which is run by a sovereign government. The state is an organization in society that has met certain conditions. According to Samidjo, the definition of a state can be formed in a formal and material sense, namely:

- a. State in the formal sense means the state in terms of power, the state as an organization of power with a central government. The characteristic of a formal state is the authority of the government to exercise physical coercion legally. State in the formal sense is the state as government.
- b. State in the material sense is the state as a society (staat-gemenschap) or the state as a community of life.

Looking at the definition above, it can be concluded that the sovereignty of a country is the highest power a country has to control its territory and society. This power is originally a single player and is not limited. The state ideology is a basic idea and ideals regarding the conception of the establishment of a state over a nation in order to create a just and prosperous society and a sovereign government. Pancasila as the ideology of the nation and state of Indonesia is rooted in the view of life and culture of the nation, and not adopting or adopting ideologies from other nations. In addition, Pancasila is also not only an idea or reflection from someone, who only fights for a certain group or group, but Pancasila is essentially for all layers and elements of the nation comprehensively. Therefore, Pancasila is unique to the Indonesian nation.

4 Research Methods

The method used in this research is normative research is: "Legal research is carried out by examining library materials or secondary data alone". Secondary data is data whose sources are obtained from literature studies and carried out by making an inventory of all regulations and data that are related to the object of research obtained from: primary legal materials, secondary legal materials and tertiary legal materials, namely materials that provide an explanation of primary legal materials and materials. secondary law in the form of a dictionary and encyclopedia.

5 Analysis and Disussion

Threats to the sovereignty of the Unitary State of the Republic of Indonesia must be eradicated, all forms of threats, however small, must be destroyed. According to Law Number

3 of 2003 concerning State Defense, what is meant by threat is any business and activity, both from within the country and abroad which is deemed to endanger the sovereignty of the state, the territorial integrity of the state and the safety of the state.

In the case of FPI Mass Organizations, HTI activists who oppose the state foundation of Pancasila and the 1945 Constitution and state that Pancasila and the 1945 Constitution are a taghut system that must be abandoned, seeing Ibn Syayidah's opinion, "Thaghut comes from the basic word tagha which means transgressing and exaggerating. excess in terms of disbelief, so that eventually it creates unrest in the community. What was said by HTI in an FPI mass organization was a threat to the country's sovereignty and national ideology. This is in accordance with the provisions of Article 59 of Law Number 17 of 2013 concerning Community Organizations, namely prohibition for Ormas, whose content is amended by Government Regulation in Lieu of Law Number 2 of 2017 concerning Amendments to Law Number 17 of 2013 concerning Community Organization,

What is contained in Article 59 paragraph (3) letter a, namely: Ormas are prohibited from: engaging in acts of hostility towards ethnicity, religion, race or class and Article 59 paragraph (4) letter c, namely: Ormas are prohibited from adhering to, developing and spreading teachings or understanding that is contrary to Pancasila. All of this causes defense problems to become very complex so that the solution does not only rely on government and non-government agencies, but this also becomes the responsibility of the defense department because it carries the state ideology, which is a very serious threat, because Pancasila and the 1945 Constitution are the symbolic basis of the state and sources of law highest in the state so that Pancasila becomes the state ideology. Formally Pancasila with the opening of the 1945 Constitution which gives the position of Pancasila as a positive legal basis. Because this includes conditions in life that are based on social and economic principles in the form of politics with the aim of a combination of cultural principles contained in Pancasila. Based on Pancasila, it can be concluded that:

- a. The opening of constitutional paragraph IV in 1945 which states that the Pancasila formula is the basis of the Republic of Indonesia.
- b. In the preamble to the 1945 constitution which is based on an understanding of the basic principles of state rules and the legal system found in Indonesia.
- c. As the basis for the 1945 constitution which can provide an absolute factor for the existence of orderly law in Indonesia.
- d. Enter yourself into the system as the highest law.
- e. As the preamble to the 1945 Constitution which has a seat as a unit in the 1945 Constitution which has an existential position.
- f. Pancasila has characteristics in a state position which are fundamental to the survival of the Republic of Indonesia.
- g. Pancasila is the core of the preamble of the 1945 Constitution which has a permanent position so that it cannot be changed as the survival of the Republic of Indonesia. In the 1945 Constitution according to amendments based on positive law by MPRS Regulation No. XX / MPRS / 1996.

In material, Pancasila as the process of formulating Pancasila and the 1945 constitution has also been based on the Indonesian legal system in the preamble to the 1945 Constitution as the highest law of the values contained in Pancasila. Therefore, apart from the problem of the FPI Mass Organization case, it is included in the non-military threat category, namely in the form of threats that do not use force but if allowed to disrupt the life of the nation and state or may endanger the sovereignty of the State, the territorial integrity of the Unitary State of the Republic of Indonesia (NKRI), and the safety of the entire Indonesian nation. So the

government in maintaining the state ideology and the integrity of the unitary state of the Republic of Indonesia, has become the responsibility of the TNI in maintaining national security and defense. TNI as the guardian of the sovereignty of the nation and state, must always be at the forefront of maintaining the Pancasila ideology, in accordance with the provisions of Law No.3 of 2002 on Defense.

State defense aims to safeguard and protect the sovereignty of the state, the territorial integrity of the Unitary State of the Republic of Indonesia, as well as the safety of the entire nation from all forms of threats. Thus, all efforts to carry out national defense must refer to these objectives. Therefore, national defense functions to realize and defend the entire territory of the Unitary State of the Republic of Indonesia as one defense unit. Based on Article 4 of Law Number 3 of 2002 concerning State Defense, that: State defense aims to safeguard and protect the sovereignty of the state, the territorial integrity of the Unitary State of the Republic of Indonesia, and the safety of the entire nation from all forms of threats.

Regarding national defense it is also regulated in Article 1 point 5 of Law Number 34 of 2004 concerning the Indonesian National Army, that: State defense is all efforts to uphold state sovereignty, maintain the territorial integrity of the Unitary State of the Republic of Indonesia, and protect the safety of the entire nation from threats and disturbances to the integrity of the nation and state, formulated with due observance of Indonesia's geographical conditions as an archipelagic state.

What is also mandated in Article 7 paragraph (1) of Law Number 34 of 2004 concerning the Indonesian National Army, that: The main task of the TNI is to uphold state sovereignty, maintain the territorial integrity of the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution of the Republic of Indonesia, and protect the entire nation and all Indonesian blood from threats and disturbances to the integrity of the nation and state.

The threat of state ideology carried out by FPI mass organizations is the authority of the TNI in carrying out state defense from all forms of threats. The threat to integration in the field of state ideology, which is multidimensional in nature, which includes various dimensions of the life of the nation and state of the Unitary State of the Republic of Indonesia (NKRI) and has become the responsibility of the TNI in an effort to maintain state sovereignty based on Pancasila and the 1945 Constitution. TNI as a state instrument that plays a role as a means of national defense. Therefore the TNI is the main guardian of the sovereignty of the State, safeguards the territorial integrity of the Republic of Indonesia based on Pancasila and the 1945 Constitution, and protects the entire nation and all Indonesian blood from threats and disturbances to the integrity of the nation and state.

6 Conclusion

Government Regulation in Lieu of Law Number 2 Year 2017 subsequently became Law on Mass Organizations No. 16 of 2017, concerning Amendments to Law Number 17 of 2013 concerning Community Organizations, which is contained in Article 59 paragraph (3) letter a, namely: Ormas are prohibited from: committing acts of hostility towards ethnicity, religion, race, or class and Article 59 paragraph (4) letter c, namely: Ormas are prohibited from: adhering to, developing, and spreading teachings or understandings that are contrary to Pancasila. Based on Article 4 of Law Number 3 of 2002 concerning Defense in conjunction with Article 1 number 5 of Law Number 34 of 2004 concerning the Indonesian National Army. So the threat of state ideology carried out by FPI Mass Organizations is the authority of the TNI in carrying out state defense from all forms of threats and safeguarding state

sovereignty which is the main task of the TNI as regulated in Article 7 paragraph (1) of Law Number 34 of 2004 concerning the National Army. Indonesia.

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