



Between Democracy and The Role of The Military: A Study of The Polemic of Indonesian National Armed Forces Regulation's Revision in Indonesia

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ABSTRACT

This study aims to analyze the perspectives of Generation Z at the undergraduate level regarding the process of drafting the Indonesian military law from a democratic point of view. Using a qualitative field research approach, primary data was collected through in-depth interviews. Secondary data was obtained from official documents and academic literature. The data was analyzed using Miles and Huberman's interactive model, supported by source triangulation for validation. The findings show that students view the legislative process as lacking transparency, public participation, and accountability, contrary to the principles of substantive democracy. Controversial provisions were found to open up opportunities for militaristic practices and weaken democratic control. This study highlights the critical awareness of Generation Z, which functions as a social watchdog, reflecting their role as moral guardians and agents of democracy. Through discussions, demonstrations, judicial reviews, and policy dialogues, students fight for transparent governance and the strengthening of civilian supremacy. This research emphasizes the urgency of inclusive participation in the legislative process to maintain the integrity of democracy in Indonesia.

Key word: Generation Z; Indonesian Military Law; Democratic Legislative Process; Substantive Democracy; Public Participation; Civilian Supremacy; Student Political Participation.

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1. INTRODUCTION

In a democratic system of government, civilian supremacy is a key principle that stipulates that supreme power is held by the people through official civilian institutions. Civilian supremacy requires that the military be under the supervision of civilian authorities and not involved in political, economic, or civilian decision-making. This principle is central to building a democratic state that values human rights, accountability and public participation. The relationship between civil society forces and military institutions is one of the important indicators to know and measure the extent to which a country implements democratic principles. In the principles of democracy, civil society acts as checks and balances on state power (Kriesi dkk., 2013).

After the reformation in 1998, Indonesia became a democratic country with the establishment of civilian supremacy over the military. This implies that the supreme power and control of the Indonesian state is in the hands of civil society, not military institutions. Historically, this civilian supremacy over the military began to be seriously realised through public policy products, such as Law No. 34/2004 on the Indonesian National Army (TNI). However, this law, which is now revised into Law Number 3 Year 2025, has caused a number of polemics among the public because some Pasal are considered to blur the distinction between the areas of civil society and the military. This indicates a setback in the implementation of substantive democracy, where democracy should not only be assessed based on formal procedures such as elections, but can also be assessed from civilian supremacy, accountability and public participation (Diamond & Morlino, 2004).

Firstly, civil supremacy is the main pillar to create a quality democracy. Civilian supremacy can be achieved if all citizens, including state and military officials, obey and submit to the rule of law. In this case, there should not be certain groups that feel they have immunity to the law. Thus, the law must be enforced fairly, without intervention from any party and without discrimination. Second, in every action taken within the framework of duties and authorities, state officials must pay attention to the principle of accountability in the form of responsibility to the people. Accountability can be carried out in 2 (two) forms, namely horizontal accountability which allows supervision between state institutions and vertical accountability where the people as the owners of supreme sovereignty can control, criticise and demand responsibility from the government. Third, public participation. Public participation is not only a matter of citizen participation in elections but also includes the availability of access for the public to provide input into every public policy legislative process. In addition, public participation can be realised if there is involvement of civil society, academics, and citizens in the legislative process (Diamond & Morlino, 2004).

The polemics that occurred over the legislative process of Law Number 3 Year 2025 were not only caused by legal and technical issues of TNI institutions, but also related to basic values and democratic principles such as civilian supremacy, accountability of state officials and public participation that were forgotten in the process. The main point of discussion in various circles related to the revision of the TNI Law is the addition of civilian positions for active soldiers in various ministries and state institutions (Susdarwono & Wiranta, 2025), this is regulated in Pasal 47. In addition, there are several Pasal that are also not separated from the public spotlight, including changes in the position of the TNI (Pasal 3), increasing the authority and duties of the TNI (Pasal 7) and increasing the retirement age of TNI soldiers (Pasal 53).

The expansion of the authority of military institutions beyond maintaining the defence and security of the state as in Law No. 3 of 2025 overlaps the role of the military and civilians, which will have an impact on the threat to democracy. This is expressed by (Susdarwono & Wiranta, 2025) that civilian concerns about the dual role of the military in the law have the potential to cause abuse of power, especially violations of civil rights. Therefore, if the TNI's authority is too dominant in civilian affairs, it

will erode the principles of civilianism and the political situation will return to the New Order era, where the military not only maintained defence, but had a hand in political, economic and social affairs. The various polemics that occurred during the legislative process of the new TNI Law created an uncertain political situation. Under these circumstances, reflecting on the success of the 1998 reforms, the voice of students as a critical group and agent of change becomes very important. The reformation provided evidence of the strong role of students and the people in calling for the downfall of the ruling regime actors at that time (Syarifudin, 2017). Student movements in Indonesia have always been interesting to study, because their existence cannot be separated from the history of the development of the Indonesian state. The student movement is not a myth, nor is it limited to a heroic movement that will be swallowed up by its era (Cipta dkk., 2025). Massively and historically, they have influence in assessing state policies (Rohmah & Millata, 2023).

In political participation theory, students are a group that has the intellectual and moral capacity to influence public policy. This can be done through concrete actions such as demonstrations or through critical academic discourse (Verba & Nie, 1972). The role of students in responding to the polemics over the legislation of the new TNI Law is a reflection of students' political participation to create a healthy democratic climate in Indonesia. Students can coexist with other community groups in a stable democratic situation (Halim & Lalongan, 2016). Political participation itself is nothing but an activity that can be carried out by citizens with the aim of influencing public decision making. Political participation has various forms (Huntington & Nelson, 1994), first, manifested in activities that display real political behaviour. Second, political activities are carried out individually. Third, political activities must be ensured to influence the public decision-making process. Fourth, the main activity is to influence the government. And fifth, it does not only include autonomous participation but also the participation of others who can also influence the government.

In this study, students can be a measuring tool for how far a state policy can support or, on the contrary, contradict the spirit of democracy. By knowing how their perspectives criticise the legislative process of Law No. 3 Year 2025, it will be obtained what their representation of political awareness as the nation's young generation is and what contributions they can make to keep democracy in Indonesia alive. The active involvement of students in maintaining democratic values is a form of reflection that the younger generation can maintain the values of freedom through aligning the aspirations of civil society, justice, and equality. Students are at the forefront of fighting for democracy, both through concrete actions and participating in various discussion forums that explore public issues, one of which is related to the polemics over the legislation of Law No. 3 of 2025 concerning TNI.

After the enactment of Law No. 3 of 2025, which also marks the end of the legislative process that has caused polemics. Various criticisms raised regarding the legislative process have increasingly shown weaknesses in the mechanism of making public policy in Indonesia (Quddus & Firdaus, 2025). Critical ideas, idealism, and proactive attitudes of students become moral forces to create a civilised, just society by promoting democratic principles (Nastiti, 2023). Students are transformational actors who are able to influence the direction of state policy through collective action, demonstrations and legal advocacy (Rohmah & Millata, 2023). Until now, there is still a lack of research that discusses how students' opinions from their point of view on the legislation of this law. Therefore, this study aims to find out students' opinions on the polemics that occurred during the legislative process of Law No. 3 Year 2025. Students' critical response to this matter is important to assess the quality of democratic implementation from the perspective of the younger generation.

Most research on civil supremacy and civil-military relations in post-reform Indonesia still focuses on normative analysis of legal products and state institutional dynamics. These studies tend to highlight the military's role in the political, economic and social realms, as well as its implications for democratic principles. However, studies that specifically raise the perspective of students as critical

political actors in responding to the polemic regarding the revision of Law no. 3 of 2025 concerning the TNI is still rarely found. In fact, students have a historical role in maintaining democracy and being agents of socio-political change in Indonesia. The absence of this study shows that there is an important research gap, because students' perspectives can be a substantive indicator in assessing the quality of democracy, especially regarding the implementation of civil supremacy, accountability and public participation in the legislative process.

2. METHOD

This research is a qualitative research with a field study type that aims to understand in depth (Sugiyono, 2013) the perspective of students responding to the polemic of the revision of Law Number 3 of 2025 from a democratic perspective. Primary data was obtained through in-depth interviews with students of the Pancasila and Citizenship Education Study Program at Pancasakti University, Tegal, who were selected using purposive sampling techniques based on their involvement and concern for democratic issues, while secondary data was obtained from official documents, news and relevant academic literature. Data were analyzed using qualitative data analysis techniques through the following stages: 1) data reduction: interview transcripts were read repeatedly to gain a deep understanding of the objects and problems studied, data were coded openly to identify initial themes such as perceptions of democracy, views on the role of the TNI and assessments of the revision of the law; 2) data presentation: after going through the reduction process, the data is presented in a descriptive narrative form to show the relationship between emerging themes, and the next stage 3) drawing conclusions: the findings are analyzed to answer the research focus, namely how students interpret the revision of the TNI Law in the context of democracy, then the conclusions are verified repeatedly through a reflective process with field data and literature on the theory of democracy and civil-military relations (Miles & Huberman, 1994). In addition, source triangulation (between interviews, documents and news) is carried out to ensure the consistency of the findings and the validity of the research data.

3. FINDINGS AND DISCUSSION

The relationship between the military and civilians is a key pillar in the study of modern democracy. The theory of civil supremacy asserts that supreme political power in a democratic state should rest with democratically elected civilian actors, not the military (Huntington, 1957). The military serves solely as an instrument of the state in maintaining security and defense, with no authority in the political sphere. In the Indonesian context, the spirit of civil supremacy has strengthened since the 1998 reforms, which marked the end of the ABRI (Indonesian Armed Forces) doctrine of dual function. However, the emergence of articles in the revised TNI Law that have the potential to further expand military authority in the civilian sphere has raised concerns about the potential for democratic regression and the return of authoritarian patterns of civil-military relations.

Furthermore, the theory of substantive democracy put forward by Diamond & Morlino (2004) emphasizes that the quality of democracy is measured not only by the existence of democratic institutions such as elections, but also by the extent to which participation, transparency, and accountability are implemented in government practices. Regulatory revisions that restrict public access to the legislative process and expand military authority without clear civilian oversight mechanisms can be seen as a weakening of this substantive democracy. Students and civil society, in this case, believe that the legislative process of Law Number 3 of 2025 fails to meet the principles of participation and transparency, which should be the main indicators of a healthy democracy.

From the perspective of Habermas's (1996) public sphere theory, public participation in policymaking is an essential element of democratic legitimacy. The public sphere functions as a discursive arena where citizens can provide criticism, input, and control over state power. When the legislative process is conducted without opening up space for public deliberation, the resulting policies lose their moral and political legitimacy. The student response to the revision of the TNI Law is not simply a rejection of the regulation's content, but rather a critique of the paradigm of power that excludes public participation. Thus, the criticism that emerged is not merely political in nature, but conceptual in nature—namely, questioning the consistency between legislative practices and the values of democracy, civil supremacy, and social justice as fundamental principles of state governance.

Student Opinions on the Legislation Process of Law Number 3 Year 2025

Based on Law Number 12/2011 on the Formation of Legislation, the legislative process of a law includes the process of planning, drafting, discussing, ratifying, and enacting a Bill (RUU) into Law. Planning as the beginning of a process begins by including the Bill in the National Legislation Programme, which contains a list of priorities for drafting laws in an annual period. The preparation of the Draft Bill is carried out jointly by the President, DPR, or DPD which then produces texts and academic studies. After the draft is compiled, the government discusses the bill through working meetings or special committee meetings that are formed. It is in this process that public participation is needed because the draft bill that will be passed must go through a public test first. Drafts that have been approved in the discussion are then passed by the President within a certain period of time. At the last stage, the bill that has been passed into law is promulgated into the State Gazette by the Minister of Law and Human Rights and takes effect from the specified date.

In a country that adheres to a democratic political system, the legislative process for laws and regulations must fulfil the principles of transparency, participation and accountability. Based on research data from a number of students, it can be concluded that their opinions on the transparency of the legislation of Law Number 3 Year 2025 tend to be negative. This is because the process does not reflect the openness or transparency that should exist in a democratic state. The lack of public involvement and limited access to draft changes are the main indicators of weak transparency. This violates the principle of substantive democracy, where democracy should be measured by the high and low level of public participation (Diamond & Morlino, 2004). Many members of the public do not know exactly when and how the bill process is officially discussed. Access to the contents of the draft bill and space for public participation is very limited. Students admitted that they had never seen the complete draft bill on the DPR's public platform, nor the socialisation or public examination process. Concerns about the decline of democracy also arise because the legislative process limits opportunities for criticism and control from outside parliament. Furthermore, such conditions will also affect the weakening of legal legitimacy, because the legislative process cannot represent the collective voice of the people. If there is no follow-up policy from the government as a solution, it is feared that there will be resistance from community groups and complicate policy implementation in the field.

Polemics Emerge

Law Number 3 Year 2025 on the Amendment to the TNI Law previously drew a wave of rejection from various groups, especially students and civil society. The sharpest criticism was directed at Pasal that were considered to threaten democracy, weaken civilian supremacy, and undermine legal justice in Indonesia (Susdarwono & Wiranta, 2025). There are several Pasal in Law No. 3 Year 2025 that have been the subject of controversy and controversy to the detriment of civil society as follows.

1. Section 3

Pasal 3 of Law No. 3 of 2025 confirms that the TNI has two main functions: as an instrument of state defence and as an instrument of the state in carrying out national policies

and interests in the field of defence and security. What students highlight in this Pasal is the phrase 'carrying out national policies and interests'. According to the students' analysis, this Pasal is very vulnerable to misinterpretation and will open a gap for the TNI to resume its dual role outside of defence affairs. As said by the informant, "We think that Pasal 3 is very risky, opening the way for the TNI to interfere in civilian affairs that are not its authority and if it is not limited, it is not impossible that civilian supremacy will be threatened." The fundamental principle in a democracy is civilian supremacy where the military must submit to civilian authority. Without this principle, democracy will always be under the shadow of threats and abuse of power.

2. Section 7, verse 2

Pasal 7 paragraphs 2 and 3 of the revised TNI law are of particular concern to students. In the market, the military is not only focused on national defence affairs, but also given more authority to handle all non-military issues such as terrorism, security of national vital objects, to social unrest. "We are very worried about this, because it opens a gap for politicisation of the military and abuse of power beyond the control of the people. The TNI should focus on national defence, not handling social unrest, separatism, let alone law enforcement without DPR control." There is an Pasal containing a multi-interpretive phrase where the military can assign other tasks based on a presidential decree. This provision has a great risk that at any time the TNI will carry out its main duties and functions without the approval of the House of Representatives. "As students, we see this Pasal as very prone to abuse. This authority could at any time be used to direct the military in dealing with demonstrations, social movements or other civil conflicts". This Pasal undermines the spirit of reform that has emphasised the separation of duties between the military and civilians. The granting of this dual authority seems to pave the way for a return to the practice of militarism as was implemented during the New Order era.

3. Section 47

Pasal 47 in the revised TNI law is one of the Pasal highlighted by students. This Pasal explicitly stipulates that every TNI soldier who commits a criminal offence will still be tried through military courts even though it involves civilians. This Pasal opens a gap of impunity for TNI soldiers who commit violations of the law against civilians. Students criticised this Pasal as being very contrary to the principles of civilian supremacy and human rights. In their analysis, no citizen is immune to the law, especially just because of their status as an apparatus and must prioritise the basic principle of equality before the law. This Pasal can also be used as a pretext to expand the role of the military in the civilian sphere in disguise, under the guise of law enforcement. Instead of strengthening civilian supremacy, this provision has the potential to pave the way for the return of militarist practices, where the military again places itself above civilians - a serious setback for democracy.

4. Section 53

Pasal 53 of Law Number 3 Year 2025, which regulates the retirement age of TNI soldiers, is of serious concern to us, the students. This Pasal stipulates the extension of the retirement age of TNI soldiers, even though previously the provisions on the retirement age limit had been expressly regulated in the previous law. According to the students' analysis, the extension of the retirement age stipulated in this Pasal actually raises various new problems. First, this policy has the potential to hamper regeneration within the TNI. The impact of the extended retirement age has an impact on the narrow space for young soldiers to advance. Second, maintaining experienced soldiers is not entirely relevant if it is not accompanied by

strict and objective performance evaluations, resulting in abuse of power, not on the basis of professional needs. Thirdly, extending the term of office will benefit certain individuals who have close ties with the political elite which results in abuse of power. Furthermore, students emphasise that if the extension of the retirement age of TNI soldiers must be accompanied by a strict, transparent and accountable selection mechanism.

Conformity with Principles of Democracy

Democracy in Clark's definition concerns the role and rights of the people to voice their opinions in the government process. This can be realised in the form of freedom of speech, no intervention against the press, easy access to information and the right to consult in decisionmaking activities (Suyatno, 2008). Democracy is related to government because democracy itself is one of the various forms of government that can be used by a country. In the practice of democracy, the government must be present to fulfil the duties of governance, including: carrying out the mandate of the community, guaranteeing the freedom of the people in opinion, protecting the fulfilment of everyone's human rights, and formulating and enforcing public policies based on the will of the majority of the community.

In order to truly fulfil this task, the government in its authority must refer to the principles of civilian supremacy, accountability and promote public participation. Firstly, civilian supremacy implies that the supreme power of the state must lie with the will of civil society, not the military. In this case, the military should not be a political actor but only function as an instrument of the state tasked with maintaining the defence and security of the country (Diamond & Morlino, 2004). However, this ideal became contrasted when the legislative process of Law Number 3 Year 2025 was finalised. Pasal 47 of the law states that active soldiers can occupy civilian positions in various ministries/institutions without the condition of having to apply for retirement or temporary dismissal first. In the students' perspective, such conditions contradict the principle of civilian supremacy, which should provide a barrier between the domain of civil society and military institutions. Students consider that this practice is a form of democratic regression that will again open a gap for the return of the depravity of ABRI's dual function. In their view, the existence of Pasal 47 is a form of deviation from the spirit and commitment of the 1998 reform that has successfully reaffirmed how civil society and military institutions should place their positions in government.

Secondly, it is an obligation that in carrying out its duties and authorities, the government must uphold the principle of accountability. Accountability is a responsibility that the government gives to society in the political, moral and legal realms. The changes in Pasal 3 of Law No. 3 of 2025 that regulate the relationship between the TNI, the President and the Ministry of Defence have raised concerns among civil society, especially students, that these provisions could blur the domain boundaries between civilian and defence functions, and potentially disrupt the balance of relations between state institutions. This is not in line with the principles of a healthy democratic state that has a system to regulate that military power can be fully subject to civilian law and there is strict supervision (Huntington & Nelson, 1994).

Third, public participation is not only seen in elections but can also appear in forums for legislation or policy formulation. Public participation emphasises the political decision-making process, which can be fertile ground for the growth of democracy in Indonesia (Verba & Nie, 1972). In the legislation of Law No. 3 Year 2025, students consider that the discussion process was carried out in a closed manner and prevented public participation, especially from elements of the community, civil society organisations, academics/campuses, and student groups. Supposedly, in every public policy-making process, it must involve the participation of all parties (Habermas, 1996) especially policies that are strategic and have a broad impact such as the TNI Law.

Implications of Amendments to Law number 3 of 2025

Students play a strategic role as agents of change in the democratic system. The passing of Law Number 3 of 2025, which contains controversial Pasal related to the expansion of the authority of certain institutions such as the TNI, is a momentum for students to be critical and firm. The role of students is not only as agents of change, but also as guardians of the nation's values, successors of future generations, moral forces, as well as social controllers who oversee the life of the nation and state (Jannah & Sulianti, 2021). Students are at the forefront of bringing change towards a more just, democratic and civilised society. In their capacity as social controllers, students have the responsibility to oversee the course of public policy. They oversee that every legal product remains in favour of the principles of democracy, human rights, and the interests of the people.

Based on the results of the interviews, most students responded in the form of sharp criticism related to the ratification of the law, which was considered too premature so that it had the potential to cause turmoil of rejection from civil society such as, 1) threats to civil supremacy, 2) decreased accountability of state institutions, 3) weak public control over power, and 4) abuse of power. The controversial Pasal in the law reflect the government's disregard for the voice of the people. Every phrase of the Pasal that have become a polemic in the community seems to be deliberately made multi-interpretive, which could open the door to a return to a system of government based on militarism. This will potentially perpetuate impunity and shows that the law is materially and formally very detrimental to civil society.

The passing of Law No. 3 of 2025 is a dangerous alarm for the implementation of democracy in Indonesia. In response, students are taking progressive steps to ensure that the aspirations of civil society are brought to the attention of the government. Some of the progressive actions students have taken in response to the ratification of the law include: First, consolidating the base of the student movement by creating discussion forums, strategising and determining actions with the aim of strengthening collective awareness of the dangers of controversial Pasal that could harm civil society. Second, compiling an academic paper. Third, as a form of political resistance, students held simultaneous demonstrations in various regions as a form of rejection of problematic Pasal and urged the government to revise these Pasal. Fourth, conducting judicial reviews, this is a concrete step taken by students by encouraging judicial review to the Constitutional Court where students collaborate with legal aid institutions. Fifth, hearings with policy makers and the DPR as a diplomatic step to convey aspirations and offer options in improving the law.

4. CONCLUSION

This study concludes that the legislative process of Law Number 3 of 2025 concerning the Indonesian National Armed Forces is perceived by students as a process that is not in line with the principles of substantive democracy. From the perspective of Generation Z at the university level, the process of discussing the law is considered to lack transparency, close the space for public participation, and weaken political accountability mechanisms. The amendment of a number of crucial articles particularly Article 3, Article 7 paragraph (2), Article 47, and Article 53 is seen as having the potential to blur the boundaries between the civil and military spheres, opening up opportunities for the return of militaristic practices, and threatening the principle of civilian supremacy, which is the foundation of post-reform democracy.

The findings also show that students have strong critical political awareness and act as social watchdogs in responding to public policies that are considered problematic. Through academic discussions, demonstrations, legal advocacy, judicial review petitions, and dialogue with policymakers, students assert their position as agents of democracy and guardians of constitutional values. Thus, this study confirms that the quality of democracy is not only determined by the formal procedures of

lawmaking, but also by the extent to which the state guarantees civilian supremacy, accountability of power, and meaningful public participation in every strategic legislative process. These findings make an important contribution to the study of democracy and civil-military relations in Indonesia, particularly by placing the student perspective as a substantive indicator in assessing the direction and quality of contemporary democracy in Indonesia.

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