

MAKING A PEOPLE'S DEFENSE AND SAFETY SYSTEM

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ABSTRACT

Article 30 of the 1945 Constitution is the basis for the formulation and drafting of Law No.3 / 2002 on national defense. In article 30, it is stipulated that national defense and security efforts are carried out through the system of defense and security of the total people by the Indonesian National Army and the Indonesian National Police, as the main force, and the people, as the supporting force. This system of defense and security for the people of the universe is then manifested in Law No.20 / 1982 concerning the main provisions of national defense. However, when the TAP MPR Number VI and Number VII was issued regarding the Separation of the Police from ABRI. The government is drafting a new Defense Law that is aligned to separate Defense and security that is adaptive to these changes. The defense is compiled and formulated and then translated into Law no. 3/2002, however, the Law on Security was not immediately realized, instead Law No.2 / 2002 concerning the Indonesian National Police. Until now, the Law on Security does not exist and has not been materialized. As a result, there is a gap between legislation in the defense sector and legislation in the security sector. Some of the mandates of Law No.3 / 2002 can then be translated into Laws, Government Regulations, Presidential decrees instead other legislation products to support national defense.

The lack of this security aspect of course affects the defense and security system which was previously manifested as a comprehensive unit which is of course adjusted to the history of the nation itself. In addition to defense duties which are military in nature, there are tasks in the field of military Nir which all fall into the category of security aspects. As long as there are no regulations governing Security, the Defense and Security System mandated in the 1945 constitution will never materialize.

Keywords: system, defense, security

Introduction

The universal people's defense and security system (SISHANKAMRATA) is a concept established by the Indonesian nation as a way to face and overcome threats and disturbances carried out by other countries as well as domestic rebellions that determine the totality of mobilizing all components of the nation in taking part in national defense. This concept has been proven capable of upholding sovereignty, territorial integrity and protecting all nations and states.

In MPR Decree No.VI/2000 The role of the Indonesian National Armed Forces, namely "The Indonesian National Army and the Indonesian National Police are institutionally separate according to their respective roles and functions. The Indonesian National Army is a state instrument that plays a role in national defense; and the National Police of the Republic of Indonesia are state instruments that play a role in maintaining security and in defense and security activities, the Indonesian National Army and the Indonesian National Police must cooperate and help each other.

In MPR Decree No.VII / 2000, the role of the Indonesian National Army is a state instrument that acts as a defense tool for the Unitary State of the Republic of Indonesia with the main task of upholding the country's sovereignty, territorial integrity of the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution, and protecting the entire nation and all the blood of Indonesia from threats and disturbances to the integrity of the nation and state and to carry out state duties in implementing compulsory military service for citizens. Meanwhile, the State Police of the Republic of Indonesia is an instrument of the state that plays a role in maintaining security and public order, enforcing the law, providing protection, and providing services to the community.

With the existence of these two MPR decrees, an adjustment must automatically be made to Law no. 20/1982 concerning the main points of national defense because it is no longer relevant to the MPR TAP. Two years later, namely in 2002, the ministry of defense made adjustments by compiling and formulating and realizing a defense law based on the two MPR TAPs with the issuance of Law No.3 / 2002 on national defense. Unfortunately, the security aspect has not been regulated. Even now, there is no sign that the Draft Law on National Security will be ratified and approved by the Indonesian Parliament. Because there is no Regulation on Security, there is no security system that can be used as a guide in preparing a system of defense and security for the people that is universal.

The Existing Ranking Methods

Problem

From the description in the background above, the defense and security system has not been as expected because it has only managed the Defense system, not yet the Security system. So that the question to this problem is "Has the Defense and Security System of the universal people been realized? ".

Objectives and benefits

In order to get an overview of the Defense and Security System that is currently in effect so that the defense and security system of the total people is realized in accordance with Article 30 of the 1945 Constitution.

Theory Basis

Security Theory.

According to the Oxford Dictionary defines security as a state condition that is free from danger or threat (Oxford, 2012). Barry Buzan, in his book *People, States, and Fear* (1991: 4) says that: "security, in any objective sense, measures the absence of threat to acquired values, in a subjective sense, the absence of fear that such values will be attacked." (Security, in any objective sense, measures the absence of a threat to the values acquired, in a subjective sense, the absence of fear that those values will be attacked).

According to Buzan, security is a condition related to several other aspects of human life, not only military issues, but also includes political, economic and socio-cultural issues, classifying security into five dimensions, namely:

- (1) The military dimension, does not only refer to the development of conventional and nuclear military forces but includes the development of the capacity of military personnel and military doctrines;
- (2) Political dimension, namely the efforts made by the state to maintain and maintain the continuity of a political process, ideology and government system;
- (3) Economic dimension, namely efforts to protect economic resources and welfare owned by the state;
- (4) The social dimension, which refers to the ability to protect the cultural values of a nation; and
- (5) The environmental dimension refers to efforts to protect and maintain the environment for the main support of human survival. So broad in scope, national security can be said to have high universal value.

The concept of security (security) is developed from two approaches, namely security of the state or National Security which is seen from the emergence of threats to state

sovereignty and security of the people which are on a broader spectrum of issues such as welfare, the environment, cultural identity or political discrimination.

National Security is defined as the dynamic condition of the nation and the unitary state of the republic of Indonesia which guarantees the safety of its citizens, society and the nation as well as the protection of the sovereignty and territorial integrity of the unitary state of the Republic of Indonesia from all threats in the framework of sustainable development in accordance with national interests.

National Security is divided into three parts, namely; human security, which guarantees every individual, gets safety and protection from threats that occur systematically, extensively and under extraordinary conditions in the context of realizing national security; public security, which is a dynamic condition that guarantees the public, environment and public order to get safety and protection from threats that occur systematically, widely and under extraordinary conditions in the context of realizing national security; and State security as a dynamic condition which ensures the upholding of state sovereignty, territorial integrity and safety of the entire nation from military, armed and unarmed threats arising from within the country or from abroad in the context of realizing national security.

The national security system is an order for all components of the nation in implementing and utilizing all national resources in an integrated, integrated and directed manner for the creation of national security.

Defense Concept

The defense and security of the Republic of Indonesia is based on the philosophy and view of life of the Indonesian people to ensure the upholding of the Unitary State of the Republic of Indonesia which is based on Pancasila and the 1945 Constitution, because it turns out that all Indonesian people have been willing to fight with full sacrifice.

Defense and security of the Republic of Indonesia is an effort to create a unity of national defense and security, within the framework of the Archipelago to achieve national goals, namely to protect the entire nation and all the blood of Indonesia, promote public welfare, educate the nation's life and participate in implementing world order based on independence, lasting peace and social justice.

The essence of state defense is all defense efforts that are universal in nature, the implementation of which is based on awareness of the rights and obligations of citizens as well as confidence in their own strength. National defense is formulated based on the principles of democracy, human rights, public welfare, the environment, provisions of national law, international law and international customs, as well as the principle of peaceful coexistence. National defense is structured by taking into account Indonesia's geographical conditions as an archipelago.

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. State defense functions to realize and defend the entire territory of the Unitary State of the Republic of Indonesia as one defense unit. Defense and security of the Republic of Indonesia, which includes efforts in the defense sector and efforts in the security sector, is one of the functions of state government.

The implementation of the state defense and security of the Republic of Indonesia, every citizen has the rights and obligations stipulated and guaranteed by the 1945 Constitution to participate in efforts to defend the state which is an honor and is carried out with full awareness, responsibility and willingness to sacrifice in the service of the nation and state. ;

The defense and security efforts of the Republic of Indonesia include the formation and use of human resources, safeguarding and exploiting natural resources, artificial resources and all the physical and psychological infrastructure of the nation and state.

Metode

This paper uses a qualitative method with a descriptive analysis approach. Bogdan and Taylor in Moleong (2010) suggest that qualitative research is a research procedure that produces descriptive data in the form of written or spoken words from people and observable behavior. Qualitative research is much more subjective than quantitative research or surveys. as mentioned earlier is to reduce the individual experience of a phenomenon into a description that explains the universal essence of the phenomenon. Information material from literature studies Data collection techniques with literature study to develop literature or books and other references obtained from libraries, notes and reports. Research uses the degree of trust (credibility), transferability (transferability), dependability (dependability), certainty (confirmability). Checking the validity of the data is carried out by using triangulation techniques, namely checking the correctness of data or information obtained by researchers from various different points of view by reducing bias when collecting and analyzing data. conducting data collection, which is collecting data with its analysis, especially those obtained during data collection by summarizing, sorting according to themes and patterns in order to provide a clearer picture and make it easier for researchers to carry out further data collection, present data objectively to be mapped based on a brief description , charts and relationships between categories, especially narrative text; and draw conclusions by looking back at data reduction and display data so that the conclusions do not deviate from the data obtained during the study.

Discussion

The defense and security efforts of the Republic of Indonesia include the formation and use of human resources, safeguarding and exploiting natural resources, artificial resources and all the physical and psychological infrastructure of the nation and state.

MPR Decree No. VI and VII separating Polri from ABRI seemed to divide defense into the domain of TNI and Security into the domain of the Police. The perception that security and defense are different things is even tapering even more, even though in the Indonesian legal system, the two of them constitute a complete unit. Even when the Ministry of Defense experienced difficulties in compiling further regulations to follow up on TNI duties in military operations other than war which are tasks in the security sector, they again experienced difficulties due to regulatory collisions, because security sector operators who would create a security system could not be reached by the Police because The state limits the Police as an instrument of the state that plays a role in maintaining security and public order, enforcing the law, providing protection, and providing services to the community. This role simply cannot reach security in a wider scope.

Defense System

According to Law No.3 / 2002, the Defense system is designed to maintain and protect the sovereignty of the country, 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.

State defense is organized by the government and prepared early with a state defense system through efforts to build and foster the ability and deterrence of the state and nation

as well as overcoming any threats. In facing military threats placing the Indonesian National Army as the main component supported by the reserve and supporting components, while facing non-military threats, placing government agencies outside the defense sector as the main element that is adjusted to the form and nature of the threat supported by other elements nation strength.

In National Defense Management, the President is the main actor in determining policies in the field of Defense. The position of the President is crucial because in the Indonesian government, the President is both the head of state and the head of government. Therefore, in order to assist the President in formulating and formulating defense policy, he is assisted by the National Defense Council which functions as an advisor to the President in establishing general policy on national defense.

The Defense Council itself is an advisor to the President who is tasked with examining, assessing and formulating an integrated national defense policy so that government departments, non-departmental government agencies, and the public and the Indonesian National Army can carry out their respective duties and responsibilities in supporting the implementation of national defense. This council also reviews, assesses and formulates an integrated policy of deploying a component of state defense in the context of mobilization and demobilization and examines and assesses the risks of the policies to be established.

The Minister of Defense assists the President in formulating general national defense policies and establishing policies on the implementation of state defense. In addition, the Minister compiles a defense white paper, establishes bilateral, regional and international cooperation policies in the field, formulates general policies on the use of the forces of the Indonesian National Army and other defense components, establishes policies for budgeting, procurement, recruitment, management of national resources, and development. technology and defense industry. In preparing and implementing strategic planning for the management of national resources for defense purposes, the Minister cooperates with the heads of departments and other government agencies.

As executor is the Commander, who is appointed and dismissed by the President after obtaining approval from the House of Representatives. The commander-in-chief organizes strategic planning and military operations, development of military professions and forces, and maintains operational readiness. In accordance with statutory regulations, the Commander in Chief can use all components of state defense which are then accountable to the President. In fulfilling the needs of the Indonesian National Army, the Commander works with the Minister.

The development of the national defense capacity is carried out through the utilization of all national resources as well as the utilization of the state territory and the advancement of the defense industry to increase the capability of the national defense by taking into account the rights of the people and the laws and regulations.

Security System

The references used to develop the security system are based on the draft National Security Law. The original Draft Law on National Security was called the Draft Law on Defense and Security. This bill was initiated by the Ministry of Defense in 2005 along with the Bill on Military Justice, the Bill on State Secrets and the Bill on Reserves Components. In 2007, the defense and security law bill was changed to the National Security Bill. This Draft Law has also not been successfully ratified, although it has repeatedly been scheduled as a National Legislation Program both in the current government and in the previous administration.

In the National Security system, the implementation of National Security is divided into two elements, namely the central executive element and the regional executive element. Central executing elements are Ministries / Institutions, TNI, Polri, Attorney General's Office, BIN, BNPB, BNN, BNPT and related K / L in accordance with statutory regulations. Whereas the regional implementing elements are elements of the provincial, district / city government, elements of the TNI, elements of the police, the prosecutor's office, the Provincial BIN, BNPD, regional BNN and relevant ministries / institutions.

The Implementing Element can act as the main or supporting element. However, the public can be involved in implementing national security both to face military threats, armed threats and unarmed threats according to their needs and abilities. The implementation of National Security is carried out through several stages of prevention, repression and recovery.

In the prevention stage, it is carried out by compiling a list of problems faced, complemented by steps to solve it, making contingency plans, sending early warnings to the President and the Secretary General of DKN based on input from BIN and input from community elements.

The repression stage is carried out by taking persuasive action or diplomacy to prevent the spread of the intensity of the threat which is expected to result in greater casualties and losses, to prevent foreign interference and to restore the situation to stability.

The action stage is carried out if the early action at the preventive stage is not successful and the escalation of threats is increasing, wherein this action is carried out based on the decision of the DKN hearing. Meanwhile, the recovery phase is carried out with rehabilitation and reconstruction activities for damage caused by the impact of overcoming threats, as well as due to natural disasters.

The implementation of National security involves the active role of BIN, which is used to determine the form and nature of threats to be followed up by DKN to formulate policies and strategies.

In National Security Management, the President has the authority and responsibility in managing the National security system by establishing national security policies and strategies both at home and abroad, assisted by the National Security Council.

The National Security Council is chaired by the President, the Vice President as deputy chairman and its daily chairman are ministerial level state officials whose other members consist of permanent and non-permanent members, where the permanent members are the Minister of Defense, Minister of Home Affairs, Minister of Foreign Affairs, Minister of Finance, Commander of the TNI , Kapolri, Head of BIN. Meanwhile, the non-permanent members consist of Ministries / related institutions outside of permanent members, elements of society according to their competencies which will be further regulated by Presidential regulations. The task of the National Security Council is to formulate national security policies and strategies, assess the development of potential and actual threat conditions, determine the main elements and support for the implementation of national security by escalating threats, controlling the implementation of national security, examining and assessing risks and policies and strategies that have been established and assessing the ability to support resources for the implementation of national security.

The National Security Council was formed no later than six months after the National Security Law was ratified and for the time being the duties of DKN were carried out by the minister who coordinated government affairs in the fields of politics, law and security.

The minister who leads the Ministry or institution determines policies and strategies according to their respective functions which contain the direction of goals, objectives and implementation methods to be guided by all related elements and all of them are based on national security policies and strategies.

The TNI Commander determines and implements military operational policies and strategies based on policies and strategies for implementing national defense in the context of implementing National Security, while the Chief of Police determines and implements operational policies and strategies for maintaining public security and order, protection, protection and services to the community based on policies and strategies. national security.

The Governor determines policies and strategies for implementing regional governance in order to support the implementation of national security. If at the central level there is a National Security Council, then at the regional level the Governor empowers the Provincial Regional Leadership Coordination Forum by including the regional BIN heads, BPBD heads, BNN heads, Provincial Kadis, ministries and non-governmental institutions in the province as well as community elements according to needs and escalation. threats faced.

Mobilizing elements of the implementation of national security is the responsibility and authority of the President as chairman of the National Security Council which is determined based on consideration and escalation of threats. The President can deploy a coercive instrument to deal with armed threats in a state of civil order according to escalation and natural disasters. Meanwhile, in a natural disaster situation, humanitarian assistance from foreign military is under the operational control and coordination of the TNI with the permission of the Government.

The control of the Implementation of National Security at the national level is in the hands of the President, while at the strategic level by the ministry, the TNI commander, the Chief of Police, Kajagung, the Head of BIN and other heads of agencies are hierarchical and related. Meanwhile, the supervision is carried out in layers through a concentric oversight mechanism which includes embedded, executive, legislative and public oversight.

With regard to funding, it is the responsibility of the supporting elements of the implementation of national security where administrative and logistical support is coordinated by ministries / non-ministerial agencies according to their functions. Interestingly, the cost of implementing national security is borne by the state budget or other sources permitted by law but only possible for disaster management.

General Sutanto, the then Chief of Police at that time in 2005 firmly rejected this Draft Bill because according to him the police wanted to be recombined with the TNI under the same Department which according to him would reduce the independence of law enforcement institutions in carrying out their roles and functions as mandated by the Law. Sutanto emphasized that placing the Police under the department means restoring the old paradigm by unifying defense and security and this means returning to the past.

The draft National Security Bill has also been criticized and opposed by certain groups in Indonesian society. In 2012, to be precise on September 25, the civil society coalition for security sector reform consisting of Imparsial, KontraS, YLBHI, Elsam, LBH, IDSPS Society, AJI Indonesia, Lespersi, HRWG, The Reidep Institute, ICW, LBH Jakarta, LBH Pers, Setara The Institute rejects this draft outright and criticizes it on the grounds that this bill contains the nuances of securitization, which is an extreme version of the politicization of the ceritization movement pattern of bringing Democratization politics beyond the limits of the rules that have been applied.

This coalition is also suspicious of the authority of the national Security Council and regional national security coordination forums as an expansive instrument by giving the authority to control security because that authority is in the hands of the President. The National Security Council is supposed to be an advisor to the president (Advisory Council).

The coalition considers that many legislation in the security sector has been formed, such as Law No.34 / 20024 on the TNI, Law No.2 / 2002 on Polri, Law No.3 / 2002 on Defense, Law No.27 / 2011 on Intelligence, Law No. 39/1999 on Human Rights, Law on Disaster Management, Law on the Environment, Law on Health, and so on. For this coalition, there are 40 problematic articles that can disrupt the political life of our democracy, because they do not make the Human Rights Law as a consideration, especially considering the consideration in this bill.

Andi Sutomo, who conducted research on NGO resistance to the drafting policy of the National Security Bill, stated that resistance was caused by the absence of a common vision or perception between the government and NGOs about the importance of the National Security Bill in regulating Indonesia's National Security, lack of coordination and communication between various parties. have an interest and There is an opinion that the National Security Bill is a duplication of the previous law. This means that there is a compromise solution if there are parties who can truly be trusted to become facilitators of the Government and NGOs or other organizational components.

Defense system and public security

To get an overview of the defense and security of the people of the universe, it begins with General Nasution's ideas during the independence revolution in his book on Guerrilla Basics. This basic foundation was then developed during the Dutch Military Aggression II when he was Commander of Java, while he applied anti-guerrilla strategies when he faced periods of rebellion. Both strategies use the Hankamrata territorial system. War, said Nasution, is not only an effort of the army, but an effort of the universal people that cannot be denied. During the Indonesian Independence Revolution, the TNI was supported by civilians in the face of Dutch soldiers, whose weapons were much stronger. Without the people's help, let alone winning, the TNI didn't even mean anything and would not be able to defeat the Dutch at that time.

Likewise, the opinion expressed by the late Lieutenant Colonel Adolf Lembong said that the TNI were poor soldiers. The weapons are not uniform, the ammunition is limited, the logistics of the army are far from the standards of the modern army. The new Republic of Indonesia was unable to properly support its troops. That is why the TNI cannot be separated from the assistance of the civilian people. The people not only gave their brave young men to become combatants, they also provided foodstuffs to prop up the TNI's stomach, and helped hide TNI members from the pursuit of the Dutch army. If a TNI soldier is injured, the people are also ready to help. The escape of General Sudirman from the attack of the Dutch army so that he could lead a guerrilla war from a stretcher, was because there were people who wanted to accommodate and carry the general's stretcher. This is a concrete form of TNI's dependence on the people. The war was turbulent as a whole, although the final decision was determined by the defeat and victory of the two armed forces opposite

During the New Order, as noted A. Budi Susanto and A. Made Tony Supriatma in ABRI: Cultural Strategy 1945-1995 (1995: 36), Hankamrata is the war doctrine of the Indonesian Armed Forces (ABRI). To realize Hankamrata, the president rather than Soeharto issued Presidential Decree (Keppres) number 55 of 1972 in order to improve civil defense organizations and resistance and security organizations for the people. The first article of this Presidential Decree affirms the involvement of all the people according to their

ability to participate in national defense, in accordance with Article 30 of the 1945 Constitution. Article 5 of the Presidential Decree number 55 states that "Civil Defense Organizations and People's Resistance and Security Organizations which are hereinafter abbreviated as Hansip and Wankamra, in the Defense Security system is a component of defense and security (Hankam) and a complement to ABRI. " Meanwhile Article 15 of the Presidential Decree number 55 states: "Hansip is deployed and used in dealing with the consequences of war disasters and for the consequences of other natural disasters, both in the form of prevention, mitigation and repair."

Unlike the Hansip, the Wankamra was deployed to deal with emergencies according to the level of the situation to assist ABRI's operations, particularly in the context of defense and restoration / maintenance of internal security. To fulfill this, training for Hansip and Wankamra, at that time the costs came from the budgets of the Ministry of Home Affairs and the Department of Defense and Security. Years later, Presidential Decree number 55 issued by the president rather than Soeharto was revoked by President Susilo Bambang Yudhoyono (SBY) through Presidential Regulation number 88 of 2014. Hansip and Wankamra were later dissolved.

Former Head of the TNI, Lt. Gen. TNI (ret.) J. Suryo Prabowo stated that "historically and I think it is still valid, and maybe we will continue is that the defense we have to base and use is the defense of the universal people," he added, Indonesia's military power technology may not be able to fight with other countries, therefore it must use the Defense Security system.

There are different interpretations of the term Universal People's Defense and Security System. The term Sishankamrata is in the 1945 Constitution, while in Law No.3, it is stated that all defense efforts are universal, the implementation of which is based on awareness of the rights and obligations of citizens and belief in their own strength.

Defense is a system that combines defense and security systems that involve the people and their facilities and infrastructure. Sayidiman Suryohadi Projo (2005, p. 6) states that the security system is to deal with enemy forces from abroad called state defense, which is generally an attack with military force.

Our defense is a universal defense that is characterized; populist, namely defense organized jointly with the people, by the people, and for the benefit of the people, universality means empowering all national resources and facilities and infrastructure for defense purposes, and territoriality is defined as the title of defense force which is carried out thoroughly within the territory of the Republic of Indonesia according to the conditions Geographical Indonesia as an archipelago and maritime country.

The universal people's defense and security system combines military and non-military defense through efforts to build a strong and respected defense force and capability with high deterrence. The Universal Defense System is built sustainably and continuously, to face various types of threats, both military, non-military and hybrid threats. accumulatively, these various types of threats can be classified as real and not yet real threats.

The universal people's defense and security system (Sishankamrata) is the concept of the Indonesian nation as a way of dealing with and overcoming attacks and disturbances by other countries as well as domestic rebellions. This system applies the totality of mobilizing all components of the nation in taking part in national defense. The universal people's defense system has been proven to be able to be applied in fortifying the Indonesian nation from all forms of threats.

The universal people's defense and security system (Sishankamrata) is also a state defense concept that is based on total war (total war) in one's own territory. The most appropriate strategy for this universal defense system is logically a territorial strategy.

According to Andi Wijayanto, there are five potential military violence that can arise from the Sishankamrata doctrine, namely:

First, the wide involvement of the people in the defense and security component removes the immunity guaranteed by the Geneva conventions. War will cause many civilians to fall victim to fighting, even though they have the right not to be involved in combat or war.

Second, Sishanta tends to ignore the Proportionality requirement. The proportionality requirement requires military actors to consider the possibility of war losses given that the total war situation contained in sishanta allows the enemy / opponent's country to wage psychological warfare.

Third, sishanta also has the potential for the TNI to endeavor to bend the democratic concept of civilian supremacy into people's supremacy. This indicates that the TNI need not always submit to executive decisions if it is deemed inconsistent with what the TNI considers the voice of the people.

Fourth, sishanta will cause horizontal conflict between components of society if the conflict that occurs is not between countries, but between countries and separatist movements or conflicts between community groups.

Fifth, Sishanta needs full and broad support from various components of society, it is feared that military actors will try to manipulate the nationality of their nation through a systematic indoctrination process.

Analysis

1) There is no fundamental difference in the nomenclature of the Universal People's Defense and Security System (Sishankamrata) and Sishanta. Sishankamrata is a combination of defense systems and security systems that are populist, territorial and universal in nature. Meanwhile, the Universal Defense System (Sishanta) is a pure defense concept which is also populist, territorial and universal.

2) Sishankamrata cannot be realized because one of its elements does not yet exist, namely the Security system. Though both are two sides of the coin. The separation of Polri's duties and functions from the TNI does not actually make Defense and Security mandatory and must be separated. As stated by Permadi SH from the PDI P faction in the 15th Special Committee meeting of the DPR RI on the Police Bill and the State Defense Bill in 2001, where he said that what was separated was the Police from ABRI, but the defense and security system was not.

3) The follow-up action with the enactment of MPR VI and VII Decisions of 2000 should be that the Government at that time immediately drafted the Bill on State Defense and Bill on State Security. However, what happened was that the Special Committee formed the Police Bill as an institution not as a security system. It should be like what happened with Law No.3 / 2002, when it mandated the formation of a law governing the TNI Organization, two years later it was truly realized by the issuance of Law No.34 / 2004. When the law on State Security was issued at that time, the Law on Polri could be realized two years later.

4) National Security cannot be assigned or become the domain of the Police. This is because MPR Decree No. VII / 2000 limits its duties as security and public order ("K" is small). Moreover, its role is mentioned as an instrument of the state in the security sector, the National Police has the same position as the TNI as a state instrument in the defense sector. The National Police cannot carry out the formulation and formulation of policies on State Defense, because the Polri institution is an operational institution not a ministry. However, even though the scope of its duties is limited according to law, in its position as an institution directly under the President, its power and authority are actually getting bigger which can disrupt security stability itself.

5) The resistance that has occurred so far, especially from NGOs which have always criticized the National Security Bill is based on the lack of giving them the opportunity to participate in the drafting and formulation of the National Security Law. The National Security

Bill is a text that must be tested academically and can be accounted for. The highest test is when faced with parties who are opinionated and critical of the Draft National Security Bill.

6) The crippled condition of the Defense and Security System due to the absence of a universal Security system cannot be continued. Significant efforts must be made to quickly cover up these shortcomings. The dynamic condition of the nation and the development of the strategic environment not only undermine but also seriously threaten the sovereignty, territorial integrity and safety of the nation and state.

7) The Draft Law on National Security is very important in formulating defense and security systems. However, it seems that a thorough revision or improvement of article by article needs to be made but also simplifies the multi-interpretation, especially the articles which are the spotlight of practitioners and academics. This revision or improvement can involve not only practitioners, academics or experts, but also involve components of society such as critical NGOs in the future.

Conclusion

a. The defense system in dealing with military threats is optimal. Policies related to the implementation and management of defense have explicitly regulated the rights and obligations of citizens in defending the country, as well as a Management system that divides defense management into four instruments, namely the President, the National Defense Council, the Minister of Defense and the Commander in Chief as an optimal management process with tasks and complementary functions.

b. Security Systems are needed to synergize military defense systems and non-military defense systems. The security system has not been regulated because the Draft Law on National Security is still controversial and always receives resistance from NGOs or observers of defense and security issues in Indonesia. As a result, the system for administering and managing National Security is unclear, uncertain and does not have a strong legal basis. It is still unclear whether the role of the people in National Security is the subject or object of the security activities carried out. With the above inequality, the system of defense and security of the universal people (Sishankamrata) in accordance with Article 30 of the 1945 Constitution has not been realized.

Recommendations.

a. In order for the Defense System and the universal people's security to be realized, the National Security Bill must be immediately realized into the National Security Law. One way is to form the National Defense Council first, because the Law on defense has indeed been mandated. Then after this defense council is formed, it is hoped that the vision, mission and perceptions of the Government and all components of society, especially from NGOs concerned with security and defense issues, can unite. The concerns that arise from these NGOs are only based on assumptions alone.

b. Considering that the scope of National Security is very broad, it is highly recommended that national security be managed by a special ministry, namely by establishing a minister of security or giving additional duties and functions to the ministry of interior with duties and functions as a policy maker in the field of national security.

c. If the defense and security system of the whole people has been functioning, it is recommended that the Defense and Security Council be formed and united into the National Defense and Security Council, because the permanent members and non-permanent members are almost the same, namely the vice president, the Ministry of Defense, the

Ministry of Home Affairs and the Ministry of Foreign Affairs. Likewise for the non-permanent members, everything is almost the same.

Closing

Thus this journal was created as an analysis of Indonesia's current defense and security system. hopefully it will provide benefits in an effort to create a defense and security system for the people of all.

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