

Legal analysis of change of gender of TNI soldiers from the perspective of Military Administrative Law

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Abstract

Purpose: Gender reassignment has become a complex and sensitive issue in various aspects of life, including in the military context. This study is motivated by the case of Sergeant First Class Aprilio Perkasa Manganang, who underwent gender reassignment based on Law Number 23 of 2006 concerning Population Administration without any specific regulation in military law.

Research methodology: This study uses a normative juridical method with a statutory regulatory approach and conceptual analysis.

Results: The results of the study indicate that currently there are no regulations that specifically regulate gender reassignment for TNI soldiers. However, the TNI institution strictly prohibits gender reassignment for its soldiers, considering the importance of stability, discipline, and order in the military environment. This prohibition is based on the principle that TNI soldiers must live their lives in accordance with their initial identities that have been determined in the recruitment process. Further analysis shows that although Law Number 23 of 2006 concerning Population Administration accommodates gender reassignment, this regulation cannot be applied directly in the military context. Therefore, special regulations are needed that clearly regulate the prohibition of gender reassignment for TNI soldiers as well as administrative procedures that support this policy.

Conclusions: This study concludes that regulations prohibiting gender reassignment for TNI soldiers need to be strengthened in military administrative law to ensure legal certainty and discipline in military institutions. In addition, there needs to be a clear monitoring and implementation mechanism to prevent abuse and maintain the integrity and professionalism of TNI soldiers.

Keywords: Gender Reassignment, TNI Soldiers, Military Administrative Law

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1. Introduction

Gender reassignment is not included in important events, but this gender reassignment is recognized in the population administration law as another important event. This is stated in Article 56 paragraph (1) of the Republic of Indonesia Law Number 23 of 2006 concerning Population Administration, namely "carried out by the Civil Registration Officer at the request of the resident concerned after a decision by the district court that has obtained permanent legal force". The definition of another important event is explained in the explanation of Article 56 paragraph (1) of the Republic of Indonesia Law Number 23 of 2006 concerning Population Administration, that "Another Important Event is an event determined by the district court to be recorded at the Implementing Agency, including gender change".

The TNI soldier recruitment process is carried out very strictly to carry out this task, with several stages of selection or examination starting from administrative requirements, health, posture, psychology, physical and so on according to the provisions of the regulations in force in the TNI soldier recruitment process. Based on Article 6 of the Regulation of the Commander of the Indonesian National Armed Forces Number 61 of 2023 concerning the Provision of TNI Volunteer Soldiers, an Indonesian citizen can be appointed as a TNI soldier if he meets the registration requirements including general requirements, special requirements and additional requirements, passes the selection including examination, testing and selection hearing, and initial education. In this case, the general requirements are Indonesian citizens, physically and mentally healthy, and so on. While the special requirements are male or female, a maximum age of 22 years and so on. Regarding gender, it is the main thing, related to the main tasks, career development of soldiers, and administration of TNI soldiers and other aspects that differ between male and female TNI soldiers (Latifa, 2023).

The administrative regulations for TNI soldiers are regulated in Government Regulation of the Republic of Indonesia Number 39 of 2010 concerning the Administration of Indonesian National Army Soldiers. "Soldier Administration is a series of work activities related to the cycle of Soldier development starting from provision, education, use and care to separation". Military Administrative Law does not regulate the change of gender of TNI soldiers, the change of gender that occurred in the TNI environment in 2021, namely in the TNI AD environment, is a new history, because there has never been a TNI member who has changed gender while on active duty. "The TNI AD soldier officially changed his gender status and changed his name after the Panel of Judges at the Tondano District Court decided in a trial".

The TNI AD member who changed gender and changed his name was Serda Aprilia Santini Manganang who changed her gender from female to male and changed her name to Serda Aprilio Perkasa Manganang. The TNI AD member "had an abnormality in her reproductive system and suffered from Hypospadias". Abnormalities in the reproductive system are a disease that can affect both men and women. Reproductive diseases are caused by "infection, inflammation, genetic disorders, hormonal disorders, and even cancer". Then Hypospadias disease is: Congenital anatomical abnormalities of the external male genitalia. Hypospadias can occur due to incomplete development of the genital tubercle, resulting in abnormal tissue growth in the ventral penis (Edla et al., 2025; Millizia, Awaludin, Nashirah, & Akbar, 2022).

Despite having an abnormality and having changed his gender, the TNI AD soldier still maintains his status as a TNI soldier and carries out his duties like other TNI soldiers. Viewed in the context of military administrative law, changing the gender of TNI soldiers can affect various factors or aspects, such as the main tasks, rights and obligations of a soldier, operational efficiency and balance, health, policies and regulations regarding changing the gender of soldiers in the TNI environment. Based on this background, the author is interested in raising it in a thesis entitled "**Legal Analysis of Changing the Gender of TNI Soldiers in the Perspective of Military Administrative Law**".

1.1. Problem Formulation

Based on the background description, the author presents the following problem formulation:

1. How are the regulations and implementation of gender change for TNI soldiers according to Military Administration law?
2. What is the ideal concept of regulating gender change for TNI soldiers according to Military Administration law?

2. Literature Review

2.1. Theoretical Framework

2.1.1. Theory of Legal Purpose

According to Gustav Radbruch, the three legal values are justice (philosophical), legal certainty (juridical), and benefit to society (sociological). All three must be used as the main elements in the legal approach so that order is established in society. Therefore, the objectives of the law that must be

achieved are justice, benefit, and legal certainty (Atmoko, 2022; Natamiharja, Panjaitan, & Setiawan, 2025).

Efforts to achieve these legal objectives must determine the priority of the three basic values above. This is understandable because sometimes achieving justice will clash with benefit and legal certainty. Likewise, legal certainty sometimes also ignores justice and benefit. The order of priorities taught by Gustav Radbruch is first justice, then legal benefit and finally legal certainty.

2.1.2. Theory of Dignified Justice

The theory of dignified justice is a science, in this case legal science. As a legal science, the scope of the theory of dignified justice can be seen from the structure or layers in legal science which include the philosophy of law in the first place, the second layer contains legal theory, the third layer contains legal dogmatics (jurisprudence), while the fourth layer contains law and legal practice (Prasetyo, 2015).

2.2. Conceptual Framework

- a. Analysis is an investigation of an event (essay, act, etc.) to find out the actual situation (causes, facts of the case, etc.).
- b. Juridical is according to law, legally.
- c. Change is a changing condition.
- d. Gender is the difference in form, nature, and biological function between men and women that determines the difference in their roles in carrying out efforts to continue the lineage.
- e. Soldiers are members of the TNI.
- f. TNI is the Indonesian National Army.
- g. Perspective is a point of view or perspective.
- h. Soldier Administration is a series of work activities related to the soldier development cycle starting from provision, education, use and care to separation.

2.3. Gender

Gender is a physical characteristic of humans, women and men, based on biological tools since birth. Men and women are indeed different to a certain extent. Some of these differences are permanent and some are relative. Permanent differences are found in physical and natural gender differences. These natural differences are universal, meaning that in any part of the world, humans are divided into male and female genders. Gender cannot be changed, cannot be exchanged and is permanent (Aziz et al., 2015; Damaiyanti, Nofrial, & Erniyanti, 2022).

Gender is one of the fundamental aspects of human identity that has a major influence on various dimensions of social, cultural, economic, and psychological life. In a biological context, gender refers to the physical characteristics that generally distinguish between men and women. However, understanding gender is not limited to biological aspects alone. Social and cultural developments have introduced the concept of gender, which refers to the roles, behaviors, and identities expected by society towards individuals based on their gender.

2.4. Genital Reassignment Surgery

Sex reassignment surgery, or more precisely referred to as gender reassignment surgery, is a medical procedure performed to change a person's physical characteristics to better match their gender identity. Sex reassignment surgery can involve a variety of different procedures, depending on the individual's needs and desires, as well as their gender identity. In modern medicine, sex reassignment surgery is known in three forms, namely (ardiyansyah & Nazaruddin, 2024; Utomo, 2003):

- 1) Sex reassignment surgery. Performed on people who have normal sex since birth.
- 2) Sex improvement or enhancement surgery. Performed on people who have had sex defects since birth, such as genitals that are not perforated or imperfect.
- 3) Surgery to remove one of the dual sexes. Performed on people who have had two organs or sexes since birth.

2.5. Gender Change Application Process

Gender change is not included in important events, but this gender change is known as another important event. This is stated in the explanation of Article 56 paragraph (1) of the Republic of Indonesia Law Number 23 of 2006 concerning Population Administration, which means "Other Important Events are events determined by the district court to be recorded at the Implementing Agency, including gender change". Similar to the explanation of Article 56 paragraph (1) of the Republic of Indonesia Law Number 23 of 2006 concerning Population Administration related to other important events, Article 97 paragraph (2) of Presidential Regulation Number 25 of 2008 concerning Requirements and Procedures for Population Registration and Civil Registration also states that "other important events referred to include gender change".

2.6. Transgender

Etymologically, transgender is a phrase of two words, namely "trans" and "gender". Trans means to change and gender means gender identity. According to the Big Indonesian Dictionary (KBBI), transgender means changing gender through surgery. In terminology, transgender is a change that occurs in the behavior and identity of a certain gender that leads to the behavior of the opposite gender. Transgender is not the same as transsexual (Laura, Hasan, & Kurniati, 2023; Pratiwi, Dewi, Widnyani, & Rahayu, 2023).

Transgender is an individual whose appearance is not the same as their actual gender role. While transsexual is a person who has biologically made physical changes to their vital organs and body. This always leads to individuals who suffer from gender dysphoria or in other words feel trapped in the wrong body (Chakraborti & Garland, 2015). The transgender in question is not those who have dual sex (hermaphrodite) or intersex, nor those who are non-binary (agender). However, the transgender in question is those who have a clear biological sex since birth, but the gender they feel is different from their physical condition.

2.7. Ambiguous Genitalia

Ambiguous genitalia is a disorder in which the sufferer has genetic, anatomical and/or physiological characteristics that are ambiguous between male and female. In Indonesian, this is called ambiguous or confusing gender. It is also called ambiguous genitalia because sometimes the clitoris is so large that it looks like there are two sexes (Widhiatmoko & Suyanto, 2013).

This disorder is also known in other scientific terms as intersexual, a term that refers to the understanding that sex is divided into two poles, male or female, so the form of ambiguous genitalia is between the two poles. However, in its development, currently endocrinologists more often use the term Disorders of Sexual Development (DSD).

Ambiguous genitalia in medical science is a rare occurrence where the genitals are not clear as male or female genitals. The cause of ambiguous genitalia is due to a disturbance in the growth of the baby's genitals while still in the womb (womb). In babies who are genetically female, when the genitals are growing, they get a lot of male hormones so that the growth of the genitals deviates to male genitals. Likewise, babies who are genetically male, when they are growing their genitals, get a lot of female hormones so that the genitals become imperfect or deviate to female genitals (Feronika, Goffar, & Ahmaturrahman, 2020).

2.8. TNI soldiers

"Soldiers are Indonesian citizens who meet the requirements stipulated in the laws and regulations and are appointed by authorized officials to serve in military service". "Soldiers are members of the TNI", which is a core element of the Indonesian military force. A TNI soldier has the primary responsibility to maintain and defend the sovereignty and territorial integrity of the Unitary State of the Republic of Indonesia.

TNI soldiers are required to have high dedication, strong discipline, and strong integrity in carrying out their duties. In addition to serving in military operations, TNI soldiers also play a role in various humanitarian and disaster management activities, demonstrating their commitment to protecting and serving the nation and state. Rigorous training and education shape them into tough individuals who are ready to face various challenges for the security and welfare of the Indonesian people.

3. Research Methodology

3.1 Research Type

Using the normative legal research type, which considers research for standards, legal systematics, level of legal synchronization, legal history and legal correlation, information can be obtained through literature studies (Soekanto & Mamudji, 2009).

3.2 Legal Materials

The sources of legal materials used in this study are secondary data, including:

- 1) The 1945 Constitution of the Republic of Indonesia.
- 2) Law of the Republic of Indonesia Number 3 of 2002 concerning National Defense.
- 3) Law of the Republic of Indonesia Number 34 of 2004 concerning the Indonesian National Army.
- 4) Law of the Republic of Indonesia Number 23 of 2006 concerning Population Administration.
- 5) Law of the Republic of Indonesia Number 48 of 2009 concerning judicial power.
- 6) Law of the Republic of Indonesia Number 24 of 2013 concerning amendments to Law of the Republic of Indonesia Number 23 of 2006 concerning Population Administration.
- 7) Government Regulation of the Republic of Indonesia Number 39 of 2010 concerning Administration of Indonesian National Army Soldiers.
- 8) Regulation of the Commander of the Indonesian National Army Number 61 of 2023 concerning Provision of Voluntary Soldiers of the Indonesian National Army.

3.3 Collection of Legal Materials

Data collection was conducted through document studies of secondary data and interviews. The library method was conducted by visiting various libraries, such as the Military Law College library, to read, review, and study literature and other sources related to the material discussed in the thesis with the intention of obtaining related theoretical materials and will be used in the theoretical basis. The collection of legal materials through interviews was conducted with legal experts and officials related to Ditajenad.

3.4 Legal Material Analysis

In this research, the author uses the Deduction method, where the work is done by concluding concrete knowledge regarding the correct and appropriate rules to be applied in solving a problem, linked to the opinions of previous scholars (Sunggono, 2005).

3.5 Drawing Conclusions

Drawing conclusions is done using deductive logic, namely by drawing specific conclusions from general statements (Gultom 2000). Conclusions are answers to problems that are presented based on test results and discussions convincingly as far as the research is carried out.

4. Results and Discussions

4.1 Regulations on Gender Change of TNI Soldiers in the TNI Environment

Gender reassignment is a complex process, involving medical and legal interventions to enable a person to change their gender according to their perceived gender identity. In various parts of the world, this issue has become an important part of discussions about human rights and social inclusion. Many countries and institutions have begun to adopt more inclusive policies and support transgender individuals in various aspects of life, including in the workplace and military environment. However, in Indonesia, especially in the TNI environment, regulations governing gender reassignment still do not exist.

Meanwhile, TNI soldier administration is an important aspect in TNI management which includes various processes and procedures to regulate, supervise, and support the lives and careers of soldiers. Soldier administration includes personal data management, career development, performance appraisals, financial arrangements, and the welfare of soldiers and their families, so there is no legal and administrative certainty for TNI soldiers who undergo gender reassignment.

Every soldier who joins the TNI has the competence, integrity, and health needed to carry out the heavy tasks they are entrusted with, the TNI implements a very strict selection process. This selection process includes various stages of examination and testing designed to assess prospective soldiers from various aspects, including physical, health, mental, and moral. Each stage of this selection aims to ensure that only the best individuals are qualified to become part of the TNI.

4.2. Implementation of Gender Change of TNI Soldiers in the TNI Environment

Implementation of gender reassignment for soldiers in the TNI environment, with an emphasis on existing regulations and the realities faced. This topic is very relevant and crucial considering the social and legal dynamics that develop around the issue of gender reassignment, especially in institutions that have a high structure and discipline such as the military. The TNI does not yet have specific regulations governing gender reassignment for soldiers. The absence of this regulation poses various challenges, both for individuals who undergo gender reassignment and for the TNI institution itself in managing this situation.

Gender reassignment in the military is basically a process that requires careful consideration and coordination between various parties, ranging from medical institutions, law, to military administration. This procedure not only involves medical aspects such as diagnosis and therapy, but also requires adjustments in the administrative and operational systems within the TNI environment. The proper and efficient implementation of this policy aims to ensure that every soldier who undergoes gender reassignment can still carry out their duties and functions optimally, and receive the necessary support from the institution.

A significant case study is the gender reassignment of an Indonesian Army soldier, namely Sergeant Aprilio Perkasa Manganang. The decision of the Tondano District Court in the form of a determination that validates Manganang's sex change is the main focus in efforts to understand the implementation of sex change in the TNI environment. This case provides a real picture of how sex change can be carried out and implemented in practice by the TNI, even without any specific regulations governing it. The Decision of the Tondano District Court Number 98/Pdt.P/2021/PN Tnn regarding the sex change of Aprilia Santini Manganang regarding the facts of the case, witness and expert statements, legal considerations, and court decisions from the decision.

4.3. Analysis of Gender Changes for TNI Soldiers After the Soldier Becomes a TNI Soldier

4.3.1. Analysis based on the Theory of Legal Purpose

Any change in a soldier's personal life, such as a change of sex, can have significant implications for the individual and for the institution as a whole. Analysis of the change of sex for TNI soldiers after becoming TNI soldiers will be linked to Gustav Radbruch's Theory of Legal Objectives, which states that the law must achieve three main objectives, namely justice, legal certainty, and utility. These three elements interact with each other and must be balanced to achieve the ideal legal objective.

4.3.2. Analysis Based on the Theory of Dignified Justice

The theory of dignified justice offers a relevant perspective in analyzing gender change for TNI soldiers after the soldier becomes a TNI soldier. This theory seeks to find a middle ground in justifying the law, by emphasizing that the purpose of law is to achieve justice that humanizes humans. In the context of gender change of a TNI soldier, this theory can be used to evaluate how justice can be achieved without sacrificing long-standing military norms and traditions. The dignified justice approach focuses on respect for human dignity and fair treatment for each individual, while considering the common interests and norms that apply within an institution. In the case of Sergeant Aprilio Perkasa Manganang, this analysis will examine the extent to which gender change affects

military norms and whether the TNI as an institution is able to accommodate this change without sacrificing the principles of justice and human dignity.

Through this analysis, the theory of dignified justice emphasizes the achievement of justice that humanizes humans, by balancing individual rights and collective interests. The analysis based on this theory examines how the TNI can accommodate gender change of TNI soldiers, without sacrificing long-standing norms and traditions, even though there are no regulations that specifically regulate gender change within the TNI environment.

Based on an analysis that takes into account individual rights, collective interests, and the absence of specific rules, the TNI has amended the Decree of the Chief of Staff of the Army (Kasad) Number Kep/1109a-33/XII/2016 concerning the appointment and determination of basic salary and placement in positions/units, by changing the name from Serda (K) Aprilia Sentini Manganang, to Serda Aprilio Perkasa Manganang (Mabesad 2024). The change in the Kasad's decision regarding the change of name of Sertu Aprilio Perkasa Manganang is an example of the application of the theory of dignified justice in the TNI environment.

Although currently there are no specific rules governing gender changes in the TNI environment, this decision shows the TNI's commitment to humanizing each of its soldiers. However, the main question is whether the request for gender change has received permission from the superior or not. If there is no permission from the superior, then the action can violate the law. Conversely, if the superior or leader has given permission, then the superior or leader must also be questioned regarding compliance with applicable legal procedures.

Procedurally, any significant administrative action, including gender reassignment, must go through the permission of a superior in the relevant unit. If a gender change is carried out without formal permission from a superior, then the action can be considered unlawful, and if permission is granted, then the leader who grants the permission can also be considered unlawful if it does not comply with applicable procedures. Based on information that the author obtained from Sergeant Maichel Anatotoy as a classmate and co-worker in the Jasdam XIII/Merdeka unit, Sergeant Aprilio Perkasa Manganang initially wanted to apply for early retirement on the grounds that he wanted to change his gender, but because his service period was not sufficient, his superiors would not approve it.

Sergeant Aprilio Perkasa Manganang tried to apply for early retirement not according to the proper procedure, but coordinated secretly with an official he knew until finally it was discovered by the Chief of Staff of the Army (Kasad) who at that time was General TNI (ret.) Andika Perkasa. The Kasad's response at that time was not to approve Sergeant Aprilio Perkasa Manganang's resignation application because he wanted to change his gender, but to help Sergeant Aprilio Perkasa Manganang's gender change process.

Any significant change in accordance with military administrative law, concerning the personal status of soldiers, including gender change, must go through a formal permit procedure and obtain approval from superiors in his unit. In the case of Sergeant Aprilio Perkasa Manganang, there is no evidence that he formally submitted a gender change application to his superiors in his unit. Sergeant Aprilio Perkasa Manganang coordinated secretly with an official he knew without following the applicable procedures. Sergeant Aprilio Perkasa Manganang, by not submitting a formal permit, has violated the military administrative law procedure that requires every significant administrative action to obtain approval from a superior, which is a violation committed by Sergeant Aprilio Perkasa Manganang.

Although the Army Chief of Staff has the authority to make administrative decisions, the act of granting permission for a sex change without any specific regulations governing this in the TNI environment involves a violation of the principles of military administrative law. The Army Chief of Staff is known to have assisted the process of Sergeant Aprilio Perkasa Manganang's sex change and rejected his request for resignation. This action was taken without a clear regulatory basis regarding

the sex change of TNI soldiers. By granting permission for a sex change without any clear regulations and without following the proper procedures, the Army Chief of Staff can also be considered to have violated military administrative law. The decision should have been based on clear and formal regulations, which at that time did not exist.

The consequences of the violation of the law are that Sergeant Aprilio Perkasa Manganang violated military administrative law because he did not follow the procedures set out to apply for a sex change and this action can be considered as disobedience to applicable military rules and procedures. Then the Army Chief of Staff violated the principles of military administrative law by granting permission without a clear regulatory basis. The decision to support Sergeant Aprilio Perkasa Manganang's sex change without any special rules in the TNI environment can be seen as an action that violates the administrative procedures that should be followed.

4.4. Administrative Requirements for Gender Change for TNI Soldiers

The regulations and policies related to soldier administration are very strict and structured in the TNI environment. Any changes in a soldier's personal data, such as changes in name, address, or marital status, must go through a strict administrative process and in accordance with applicable regulations. Gender change is one of the issues that has emerged along with the development of the times and increasing awareness of human rights, including the right to gender identity. In civilian society, gender change usually requires an administrative process that involves submitting legal and medical documents. However, in a military environment such as the TNI, regulations and administrative requirements tend to be stricter and more specific.

This means that gender change has not been regulated in the TNI soldier administration, and there is no official procedure that allows soldiers to change their gender in official military documents. This decision may be based on several career development and coaching as well as military administration, including military policy factors, morale, and culture in the TNI environment. As an institution that adheres to discipline and rules, it may consider stability and uniformity in administrative policies as very important. In the TNI environment, policies related to soldier administration are designed to ensure high discipline and order. Any changes in a soldier's personal data, such as a change of name, address, or marital status, must go through a strict administrative process and in accordance with applicable regulations. This process involves various verification and approval steps to ensure that all information remains accurate and well integrated into the military administration system.

The absence of administrative requirements for gender change for TNI soldiers can have several implications, including:

1. Legal and Administrative Difficulties

Soldiers who wish to change their gender may face difficulties in obtaining official recognition in the TNI administrative system. For TNI soldiers, the absence of administrative requirements governing gender change creates several legal and administrative difficulties, which are described as follows:

a. Difficulties in the Identity Verification Process

The military administrative process involves many identity verification procedures, such as checking data during assignment, training, or reassignment. If a soldier's gender identity is not officially recognized, this can cause confusion and difficulties in the verification process.

b. Legal Implications related to Discipline and Authority

Every change in a soldier's personal status must be in accordance with applicable rules and procedures. The absence of administrative requirements for gender change can create ambiguity in the application of disciplinary and authority rules.

c. Data Mismatch between Civilian and Military Systems

If gender change is recognized in the civil administrative system but not in the military system, this can cause data mismatch. The discrepancy between military and civilian administrative data can cause administrative problems, such as difficulties in processing travel documents, insurance claims, or

handling financial matters. In addition, data discrepancies can cause confusion and additional difficulties for soldiers in carrying out their daily lives.

2. Psychological Impact

The inability to officially change gender in TNI administration can affect the psychological condition and well-being of soldiers who experience gender dysphoria.

3. Data Mismatch

The difference between military administrative data and civilian data (if gender change is recognized civilly) can cause data mismatch and other administrative problems. Data mismatch due to non-recognition of gender change in the military administration system is a complex issue with wide impacts. This not only makes it difficult for soldiers to live their daily lives, but can also affect their rights, access to services, and performance in carrying out military duties.

4. Differences in Career Development and Development between Female and Male Soldiers

Career development and development between female and male soldiers in the TNI have significant differences, both in terms of physical fitness values, welfare, service placement patterns, and so on. The following are some aspects of these differences:

a. Physical Fitness

Physical fitness between female and male soldiers has different standards. Female soldiers usually have different physical standards compared to male soldiers, considering the physiological differences between the two genders. These standards include different physical tests such as “running, pull-ups, push-ups, sit-ups and shuttle runs for male soldiers and running, chin-ups, modified push-ups, modified sit-ups, shuttle runs for female soldiers” (Mabesad 2016). These different standards are needed to ensure that all soldiers can meet the physical requirements that are relevant to their abilities and according to the predetermined value standards.

b. Welfare

Every TNI soldier has the right to receive a decent income and is funded entirely from the state defense budget which is sourced from the state revenue and expenditure budget. Soldier welfare, which includes aspects of “basic soldier needs such as uniforms, health care, official services, decent income, and other facilities”, can also differ between female and male soldiers. The TNI needs to ensure that female soldiers receive adequate facilities according to their needs, including access to women-specific health services, maternity and paternity leave policies, and facilities that support the overall welfare of female soldiers that male soldiers do not have.

c. Service Placement Pattern

The service placement pattern between female and male soldiers can also be different, such as guard duty, especially in terms of assignments in the operational field, namely the security task force for vulnerable areas, the border security task force and tasks carried out by male soldiers that require high physical abilities. Although the principle of gender equality is important, assignments need to consider the specific conditions and needs of female soldiers to ensure the effectiveness and success of the task.

d. Career Development

The career development of female and male soldiers can also be different. Opportunities to take further education, training, and special assignments must be ensured to be equal, but also take into account the specific needs and conditions of female soldiers. This includes providing equal opportunities to advance in rank and occupy strategic positions, while ensuring that career development policies are non-discriminatory.

Currently, the TNI does not have administrative requirements that allow for gender changes for soldiers. With the absence of clear administrative requirements for gender changes for TNI soldiers, there are various legal, administrative, and psychological implications that need to be addressed. In

addition, differences in career development and guidance between male and female soldiers must also be managed properly to ensure equality and fairness in the military environment.

4.5. *Legal Analysis, Can a TNI Soldier Change Sex*

Gender reassignment is an increasingly relevant issue in discussions about human rights and gender identity. In an evolving society, there is increasing understanding and acceptance of individuals experiencing gender dysphoria. However, in the military context, the issue becomes more complex and requires in-depth analysis. The military has different standards and regulations than civilians, with a primary focus on combat readiness, discipline, and unity. "The TNI as a defense tool of the Unitary State of the Republic of Indonesia, tasked with implementing state defense policies to uphold state sovereignty...etc., faces its own challenges in responding to requests from soldiers who wish to undergo gender reassignment.

TNI soldiers on the other hand are subject to Law Number 34 of 2004 concerning the TNI, Government Regulation Number 39 of 2010 concerning the Administration of TNI Soldiers and other laws and regulations relating to the TNI, which regulate the identity, duties, administration, military discipline, and obligations and prohibitions that must be obeyed by every member of the TNI. So that the change of name and gender based on Law Number 23 of 2006 concerning population administration does not apply absolutely to TNI soldiers, because there are special regulations for TNI soldiers that must be obeyed regarding the administration of TNI soldiers which is different from civilians.

If there is a change of name and gender, then all of a soldier's administration will change. This raises the question of whether a change of gender can be implemented in a military structure that emphasizes high discipline and compliance with strict soldier criteria.

4.6. *Law Number 25 of 2014 concerning Military Disciplinary Law*

Law Number 25 of 2014 concerning Military Disciplinary Law provides a legal framework that regulates the behavior and actions of TNI soldiers. Military discipline is the awareness, obedience, and compliance to implement laws and regulations, service regulations, and the rules of life that apply to the military. The norms and values upheld by the TNI not only include aspects of professionalism and discipline, but also reflect adherence to strong military traditions and ethics.

One sensitive issue is gender reassignment, which can be considered a violation of traditional norms adopted by the TNI. Military disciplinary law regulates the behavior and actions of soldiers that must be in accordance with the norms and values as well as the rules of order upheld by the TNI. Gender reassignment may be considered a violation of traditional norms adopted by the TNI, which can result in disciplinary sanctions for the soldier concerned. Gender reassignment can be considered a controversial step in the military context, especially because it involves considerations regarding integrity, cohesion, and harmony within military units. The TNI, as part of the state defense structure, bases its identity and membership on its strong character, which is reflected in various aspects such as tradition, character building, and the tasks it carries out.

When a soldier takes steps to change his/her gender, this can be seen as an act that goes against military discipline and life order. Military regulations are written or unwritten provisions that must be adhered to by the Military in daily life, both on and off duty. These norms not only regulate the physical aspects and abilities of soldiers, but also play a role in maintaining the integrity of the unit and trust between members. Changing gender can pose challenges in terms of recognition, adaptation, and acceptance in a military environment that is usually conservative in terms of social change.

If in the context of military disciplinary law, gender change is considered as "a violation that goes against service orders, service regulations, or actions that are not in accordance with military regulations", soldiers who change gender can face appropriate disciplinary sanctions, in accordance with the provisions stipulated in Law Number 25 of 2014. This regulation reflects efforts aimed at "realizing organizational development, personnel development, development and improvement of

military discipline, and enforcement of military disciplinary law by paying attention to benefits and justice.

4.7. *Government Regulation Number 39 of 2010 concerning the Administration of TNI Soldiers*

Government Regulation Number 39 of 2010 concerning the Administration of TNI Soldiers regulates various aspects related to soldier administration, provision, education, use and care up to separation. Specifically, this regulation establishes procedures and policies that must be followed to ensure that every TNI soldier receives treatment in accordance with the established standards. In relation to this, "Soldier administration is a series of work activities related to the soldier development cycle starting from provision, education, use...etc.

Regarding provision, it is "all activities carried out to process a citizen into a volunteer soldier and a mandatory soldier. This regulation regulates the recruitment and selection process for prospective soldiers to meet the criteria required to carry out their duties properly. The TNI soldier recruitment process is very strict regarding physical and mental health, which has been determined in the general requirements and is very clear regarding male or female gender in the specific requirements to become a TNI soldier. The emphasis on gender in the TNI soldier recruitment requirements shows that the TNI has very specific standards regarding the gender identity of prospective soldiers. This reflects that gender change is not in line with the initial criteria set to become a TNI soldier.

Every prospective TNI soldier must go through a series of strict health tests to ensure that they meet the established standards. Furthermore, in terms of TNI soldier education, it is regulated in such a way based on Government Regulation Number 39 of 2010 concerning TNI Soldier Administration, namely "the first education is education to form student soldiers into soldiers which is taken through basic military education", and formation education is "education to form privates into non-commissioned officers or non-commissioned officers into officers which is taken through basic education of rank groups," to ensure that they receive adequate training and development, both physically and mentally, so that they become professional TNI soldiers. If a TNI soldier changes gender, it can affect the dynamics of soldier education and training. The process of adjusting to a new gender identity can disrupt the consistency and stability of training that has been strictly designed.

The use of soldiers includes their placement and assignment in various functions and purposes, according to their expertise and competencies. The change of gender can affect placement and assignment, especially in operations that require certain gender conformity. This can disrupt operations and effectiveness within the TNI environment.

This regulation also pays attention to aspects of official care which are "all gifts in the form of material and non-material by the state to meet human needs both physically and spiritually including Soldiers' income etc.," including health, welfare, and other rights that must be fulfilled by the state as a form of appreciation for their service. The medical process for sex change involves surgery and hormone therapy that require long recovery. This can affect the health and combat readiness of soldiers, which are crucial aspects of military duty.

Based on the analysis of Government Regulation Number 39 of 2010 concerning the Administration of TNI Soldiers and various related aspects, it can be concluded that changing the gender of TNI soldiers cannot be done. First, Government Regulation Number 39 of 2010 stipulates that the recruitment and selection process for prospective TNI soldiers has strict requirements regarding gender. The gender identity of prospective soldiers (male or female) is a fundamental aspect in TNI recruitment and one of the criteria that must be met to become a TNI soldier. Second, the education and training of TNI soldiers are strictly regulated to form professional soldiers who are ready to carry out their duties. Changing gender can disrupt the consistency and stability of education and training that has been designed according to the soldier's initial gender identity.

Third, the use and assignment of soldiers are based on expertise and competencies that are in accordance with certain gender roles. Changing gender can affect the placement and assignment of soldiers, which has the potential to disrupt the operational and effectiveness of the TNI environment. Fourth, the medical process for changing gender, including surgery and hormone therapy, requires a long recovery and can affect the health and combat readiness of soldiers. The physical and mental health of soldiers is very important for military duties, and changing gender can disrupt this aspect. Fifth, the TNI as a military institution that highly values discipline and order in administration, has norms and traditional values that may not support gender change. Considering all these factors, gender change of TNI soldiers is not possible within the framework of current regulations and policies. This decision aims to maintain the discipline, consistency, effectiveness, and operational readiness of TNI soldiers.

4.8. Analysis based on Legal Theory

4.8.1. Theory of the Purpose of Law

Justice in the context of TNI soldiers means ensuring that all soldiers are treated in a manner that is appropriate to their responsibilities and roles in maintaining national security. Even though a TNI soldier is an athlete and has greater abilities than other soldiers, gender reassignment can pose challenges in the implementation of justice in the TNI environment. Consistent and stable gender identity is essential to maintaining trust and cooperation among soldiers. Therefore, the prohibition on gender reassignment for TNI soldiers can be considered a step to maintain justice for all TNI members, ensuring that every soldier, regardless of their abilities, is in a condition that allows them to function optimally in carrying out their duties as TNI soldiers.

Thus, an analysis based on justice, namely the prohibition on gender reassignment for TNI soldiers, including soldiers who have extraordinary abilities as athletes, can be justified based on the principle of justice. This policy aims to ensure that every soldier is treated in a fair and consistent manner, as well as to maintain the integrity and stability of the military institution, which is very important in carrying out the task of maintaining the security and sovereignty of the country.

Second, Legal certainty is "provisions or judge's decisions must be based on clear, consistent, orderly and consequential rules, and free from the influence of subjectivity". Legal certainty in the context of the TNI means that the rules and policies governing soldiers must be clear and consistent, so that they can provide certainty for all soldiers in carrying out their duties and responsibilities. Regarding gender change, legal certainty is very important to maintain discipline and operational effectiveness in the TNI environment.

The prohibition on gender reassignment for TNI soldiers provides legal certainty regarding the identity of soldiers, which is important in various aspects of military administration, including main tasks, coaching, training and education. This certainty also helps avoid potential legal conflicts that can arise due to gender reassignment in the middle of a TNI soldier's career. With clear and firm rules regarding gender reassignment, TNI soldiers can understand the applicable limitations and carry out their duties without hesitation or confusion. This also helps leaders in providing more effective guidance to soldiers, because the identity and status of each soldier are clear.

Therefore, an analysis based on certainty, namely the prohibition on gender reassignment for TNI soldiers, can be considered a step to maintain legal certainty within the TNI environment. By ensuring that the rules regarding gender are clear and consistent, the TNI can maintain its operational discipline and effectiveness, and avoid potential legal conflicts that can disrupt the function of the TNI institution. This policy helps create a stable and predictable environment, which is very important for the success of the TNI's main task in maintaining the security and sovereignty of the state.

Analysis based on benefits, namely, although there are arguments that consider individual justice and human rights, it is important to evaluate whether gender reassignment provides concrete benefits for the TNI as an organization responsible for national security. First, the operational effectiveness of the TNI depends on the stability and internal cohesion among soldiers. Consistent gender identity helps in

maintaining discipline and focus on the very heavy tasks of a TNI soldier. Gender reassignment can affect the social and psychological dynamics of soldiers within the TNI environment, which in turn can disrupt relationships with fellow TNI soldiers. Second, the benefits of the TNI in this context can be seen from the perspective of administrative efficiency and coaching. Consistent and clear policies regarding gender identity help in managing military administration, including assignments, coaching, and training of soldiers. Gender reassignment can trigger the need for complex administrative adjustments.

In addition, medical and health aspects also need to be considered. Sex change often involves intensive medical procedures and requires long-term health monitoring. This can affect the overall availability and health of soldiers, especially in situations where the availability of medical resources and health attention may be limited. From the TNI's perspective, sex change does not provide significant or essential benefits to support the effectiveness of TNI's duties. The policy prohibiting sex change can be considered a step to maintain stability, focus, and administrative efficiency in a highly structured TNI environment. By maintaining consistent sex settings, TNI can minimize potential disruptions and ensure that TNI resources are used effectively to achieve strategic operational goals.

Therefore, from the perspective of benefits for TNI, the policy prohibiting sex change for soldiers can be maintained to maintain operational integrity and effectiveness, as well as to minimize unnecessary administrative and medical risks. Thus, this policy can be considered a rational step to support TNI's duties in maintaining national security and sovereignty in the most efficient and effective manner. Thus, the analysis related to this policy is not only consistent with the principles of justice in the distribution of rights and obligations, but also supports legal certainty and operational benefits within the TNI environment. The alignment of this policy with Gustav Radbruch's theory of legal objectives shows that the prohibition of sex change for TNI soldiers is an appropriate and necessary step to maintain the integrity, efficiency, and effectiveness of the TNI in carrying out its duties for the security and sovereignty of the state.

4.8.2. Theory of Dignified Justice

Before being accepted as a member of the TNI, prospective soldiers must pass a strict selection process that includes health and gender verification. So that the TNI currently does not have regulations that regulate or allow for gender changes for soldiers after they are accepted.

This analysis aims to explore whether TNI soldiers can change gender, by referring to the principles of justice embodied in the theory of dignified justice. Justice is understood as a legal achievement that not only complies with formal legal norms, but also respects the basic rights and human dignity of every individual, including TNI soldiers. This investigation is important to understand the legal and ethical boundaries related to gender identity in military institutions, as well as their implications for the rights and obligations of TNI soldiers.

The existence of clear rules and firmness in the TNI environment regarding the implementation of health and qualification standards is key to maintaining the effectiveness and strength of a defense institution. This includes aspects of security, physical ability, and operational readiness, which are the foundation of the duties and responsibilities of TNI soldiers in carrying out their main tasks. The theory of dignified justice, which emphasizes laws that humanize humans, expects fair treatment and respect for the basic rights of every individual.

However, in the military context, fair treatment also includes compliance with established rules and standards to maintain integrity within the TNI environment. Strict adherence to these standards can be seen as a form of protection for the operational feasibility and combat readiness of TNI soldiers. On the other hand, the absence of regulations governing gender change within the TNI environment shows that currently, gender change is not considered part of the administrative process or qualifications of soldiers. It is important to consider that decisions related to gender change of TNI

soldiers are not only related to individual issues, but also have a broader impact on the security and effectiveness of the TNI.

Analysis based on dignified justice, namely the law that prioritizes dignified justice, the treatment of TNI soldiers related to gender change must consider the principles of human rights and human dignity of each individual. Although TNI soldiers must meet strict standards related to health and gender at the time of recruitment, there are currently no regulations that allow gender change for TNI soldiers. The presence of clear rules within the TNI environment to maintain soldier qualifications, including strictness regarding health and operational standards, is crucial to maintaining the effectiveness and security of the military institution.

Thus, decisions related to the issue of gender change for TNI soldiers not only have an impact on individuals personally, but also affect the integrity and operational readiness of the TNI as a whole. It is important in facing this challenge to find the right balance between the principles of dignified justice and the needs of the TNI, so that every policy or regulation made can properly consider.

4.9. Ideal Concept of Gender Reassignment Regulation for TNI Soldiers

On the other hand, the ideal concept of regulating the sex change of TNI soldiers is a policy that is not only theoretically adequate but also able to meet the expectations of all parties involved, including the soldiers themselves, the military command, and the wider community. This ideal concept must guarantee the justice, welfare, and professionalism of TNI soldiers, without ignoring the values and norms adopted by the TNI institution and the Indonesian nation.

Currently, there is no specific regulation in Law Number 34 of 2004 concerning the TNI or other implementing regulations that regulate the sex change of TNI soldiers. Cases such as Sergeant Aprilio Perkasa Manganang reveal this legal vacuum. The process of changing the sex of Sergeant Aprilio Perkasa Manganang is only based on Law Number 23 of 2006 concerning population administration, which is not designed to regulate the TNI environment with its specific specifications and needs. This creates legal uncertainty, considering that the TNI is an institution with strict standards of discipline and procedures. Sex change is a topic that requires careful handling in the military context, given its sensitivity and complexity.

Proper implementation requires clear and comprehensive legal regulations. The recruitment process of TNI soldiers in the health examination includes a very strict gender examination. However, without clear regulations regarding gender change, there is a risk of uncertainty and potential administrative conflict. TNI has very strict disciplinary standards and does not recognize gender changes in the existing TNI structure. Therefore, it is important to create a legal framework that clarifies the institution's position in dealing with similar cases in the future.

4.10. Principles of Military Administrative Law

4.10.1. Legal Certainty

According to Gustav Redbruch, legal certainty is "provisions or decisions of judges must be based on clear, consistent, orderly and consequential rules, and free from the influence of subjectivity". Regulations are needed that expressly prohibit gender changes for soldiers. Legal certainty in this case means establishing that there are no procedures or arrangements that allow gender changes for soldiers. Existing regulations must explain that violations of this prohibition will be considered serious violations and affect the soldier's membership status in the TNI. This will help avoid uncertainty and legal disputes and ensure that all soldiers and related parties understand the applicable policies.

4.10.2. Interests of the TNI Institution

Some of the interests of the TNI institution that must be considered are first, operational readiness and effectiveness are the main priorities. The policy of prohibiting gender reassignment aims to ensure

that there is no disruption to the daily operations of the TNI. Clear and firm regulations regarding this prohibition will help maintain the continuity and effectiveness of military duties and prevent potential conflicts or ambiguities that could disrupt readiness. This also ensures that all soldiers can carry out their duties without any administrative or operational disruptions caused by gender reassignment.

The selection and recruitment process in the TNI must continue to be carried out strictly and thoroughly in terms of administration, physical, psychological, and health including gender, with the aim of ensuring that each soldier meets the health standards, as well as physical and mental readiness that have been set from the start. This is very important so that all soldiers are able to carry out their duties and responsibilities properly. It is important to add additional relevant checks and evaluations in the selection process both during the recruitment of volunteer TNI soldiers or TNI soldiers from superior/athletes, to ensure that all prospective soldiers continue to meet the established standards. This not only maintains the quality of the soldiers recruited, but also ensures that all personnel have the capacity to meet the physical and mental demands inherent in military service, including the prohibition on gender reassignment.

Furthermore, integrity and discipline are the main foundations of military strength. Therefore, clear regulations regarding the prohibition of gender reassignment must be implemented to maintain both aspects. Clear procedures for handling violations of this policy will ensure that the discipline and morale of soldiers are maintained. Any violation of the gender reassignment policy must be handled firmly, to maintain a strong and cohesive military culture and support the operational effectiveness of the TNI. Thus, good regulations will help maintain a strong and cohesive TNI culture, which in turn will support the operational effectiveness and efficiency of the TNI.

4.10.3. Military Discipline

Military discipline is the awareness, obedience, and compliance to implement laws and regulations, service regulations, and the rules of life that apply to the military. Regarding gender change, there are several reasons, the first is that military discipline does not recognize gender change. Military discipline in the TNI structure, gender change is not recognized. This means that there is no precedent or regulation governing gender change within this institution. Therefore, every case of gender change must be handled with great care, taking into account the interests of the institution as a whole. These interests include operational readiness, task effectiveness, and existing integrity and discipline. Clear and firm policies are needed to ensure that each case is processed in a manner that does not damage the structure and function of the military organization.

Regulations regarding gender change in the TNI must include an explanation of the disciplinary consequences for soldiers who submit the application. These consequences are needed to maintain order and discipline within the TNI institution. Reassignment may be considered to place soldiers in positions that are more appropriate to their new conditions, while being removed from the TNI environment can be an option if gender change is considered to be in conflict with existing TNI duties and responsibilities. These consequences are designed to maintain military integrity and discipline, and to ensure that all soldiers comply with existing regulations and do not violate established prohibitions..

4.11. Required Administrative Settings

a. Revise Law Number 34 of 2004 concerning the TNI and its Implementing Regulations:

1) Law Number 34 of 2004 concerning the TNI

Revision of Law Number 34 of 2004 concerning the TNI, needs to be done to include specific provisions regarding the prohibition of sex change. The law must emphasize that sex change is not permitted for TNI soldiers and any violation will be considered a serious violation that will impact the soldier's membership status.

2) Government Regulation Number 39 of 2010 concerning TNI Soldier Administration

Government Regulation Number 39 of 2010 concerning TNI Soldier Administration also needs to be revised to include a detailed explanation regarding the prohibition of sex change.

Administrative procedures must include mechanisms to handle violations of this policy and ensure that all administrative processes follow applicable rules to maintain accuracy and compliance with the policy.

3) Regulations of the TNI Commander and Chief of Staff of the Armed Forces

In addition to revising laws and government regulations, it is also necessary to prepare detailed implementing regulations by the TNI Commander and Chief of Staff of the Armed Forces. These regulations must regulate the prohibition of sex changes in detail and firmly. These regulations must provide clear guidelines for handling violations and ensure that all parties in the TNI understand and comply with this policy.

b. Clear Standard Operating Procedures (SOP):

1) Medical and Psychological Requirements

SOPs must stipulate that sex changes for soldiers are not permitted. Medical and psychological procedures must be designed to ensure that there are no requests for sex changes and to identify and handle cases of violations that may occur. Health and psychological evaluations must be carried out to ensure that all soldiers are physically and mentally ready according to the standards set.

2) Legal Process

The TNI's internal legal procedures must strictly regulate the prohibition of sex change and the appropriate handling of violations, and must clearly reflect this policy, including updating administrative data to ensure that all recorded information is in accordance with the prohibition policy.

3. Implementation and Supervision

a. Formation of a Special Team

A special team needs to be formed to manage and supervise cases of violations related to sex change within the TNI, consisting of medical personnel, psychologists, and law. This team must have expertise in medicine, psychology, and law to ensure that each case is handled fairly and in accordance with policy. This team must also ensure that all procedures are strictly followed and that decisions made are based on comprehensive evaluations, so that decisions made are appropriate and in accordance with applicable provisions.

b. Training and Education

Training and education programs for all TNI personnel on gender issues and related administrative procedures need to be organized. Training programs should be designed to increase TNI personnel's awareness of the gender reassignment policy and related procedures. This training should cover aspects of human rights, gender identity, and how to handle violation cases wisely and in accordance with applicable laws.

c. Periodic Evaluation

Periodic evaluations should be conducted to ensure that the gender reassignment policy is implemented effectively. This evaluation should include an assessment of all aspects of the procedure, including compliance with regulations and the impact on TNI operations. The results of the evaluation should be used to make necessary adjustments to improve the effectiveness of the policy and address challenges that may arise.

Based on the explanation above, it can be concluded that the ideal concept of regulating gender reassignment for TNI soldiers based on military administrative law must cover various holistic and comprehensive aspects. This is to ensure justice, welfare, and professionalism of soldiers without ignoring the values and norms adopted by the TNI institution and the Indonesian nation. First, the prohibition of gender change in the TNI within the framework of military administrative law, the regulation of gender change for TNI soldiers must be strictly regulated by emphasizing the prohibition of gender change. This reflects the principle that military discipline and the integrity of the TNI institution do not accommodate gender change as part of internal arrangements. Any attempt at gender change by soldiers or permission given by superiors must be considered a serious violation of applicable regulations.

Second, revision of Law Number 34 of 2004 concerning the TNI and Government Regulation Number 39 of 2010 concerning the Administration of TNI Soldiers needs to be carried out to ensure that recruitment requirements do not provide exceptions related to gender. The selection process must be tightened to avoid potential future problems related to gender change. Implementing regulations from the TNI Commander and the Chief of Staff of the Armed Forces must also be clearly formulated to strictly regulate the recruitment process and requirements. Third, clear and detailed standard operating procedures (SOPs) must be formulated to ensure that administrative arrangements related to gender change are carried out consistently. Although gender change is not recognized, SOPs must include medical and psychological requirements at the selection and recruitment stages, ensuring that all prospective soldiers meet the standards set without any exceptions based on gender.

Fourth, the formation of a special team and education program within the TNI. Although the regulations do not accommodate gender change, the formation of a special team to handle issues related to the administration and training of all TNI personnel remains important. This team must have expertise in military administration and law to ensure that procedures and policies are implemented effectively and fairly. Education programs must also be provided to improve personnel's understanding of compliance with military regulations and discipline. Finally, periodic evaluation of the effectiveness of these arrangements is essential to ensure that the procedures are operating in accordance with existing provisions. This evaluation should include an assessment of all aspects of the procedures and the results should be used to identify areas for improvement and develop more effective strategies to address challenges that may arise.

5. Conclusion

5.1. Conclusion

The Indonesian National Army (TNI) is a military institution that plays a vital role in maintaining the sovereignty and security of the country. As a highly disciplined and structured organization, the TNI has a series of strict rules and regulations to regulate the lives and careers of its soldiers. These rules cover various aspects, ranging from main tasks, military discipline, TNI soldier administration, the rights and obligations of a TNI soldier, efficiency and balance of operational procedures, to health and welfare policies. However, one aspect that has not been regulated in TNI regulations is regarding gender change for TNI members.

In Indonesia, especially in the TNI environment, regulations governing gender change still do not exist. The absence of this regulation could be due to several factors, including strong traditions and very strict rules regarding gender identity and roles. The hierarchical and highly disciplined structure of the military organization may be a challenge in accepting and integrating changes related to gender identity. In addition, the issue of gender change is still a sensitive topic in many countries, including Indonesia, where cultural and social norms often influence public policy.

The ambiguity regarding gender reassignment rules within the TNI raises various questions and challenges. For soldiers who have undergone gender reassignment or feel that their gender identity does not match the sex registered at birth, the absence of this regulation can be a major obstacle in obtaining the necessary recognition and support. This also affects the mental and emotional well-being of soldiers, which can ultimately impact their performance and effectiveness in carrying out their duties. The absence of specific regulations regarding gender reassignment within the TNI environment has several implications, both for individual soldiers and for the institution as a whole. Clear and fair regulations in the future can help ensure that the TNI remains an institution that respects individual rights while maintaining its military discipline and efficiency.

The implementation of gender reassignment for soldiers within the TNI environment presents its own challenges, especially because there are no specific regulations governing this matter. The absence of this regulation raises various challenges, both for individuals who have undergone gender reassignment and for the TNI institution itself in managing this situation. As a highly structured and

disciplined institution, the TNI must adapt to changes that are personal in nature but have an impact on the entire organization.

A significant case study in this context is the gender change of an Indonesian Army soldier, namely Sergeant Aprilio Perkasa Manganang. The decision of the Tondano District Court in the form of a determination that validated Manganang's gender change provides a real picture of how gender changes occur in the TNI environment, even without any specific regulations governing this.

Currently, there is no specific regulation in Law Number 34 of 2004 concerning the TNI or other implementing regulations that regulate gender change for TNI soldiers. Cases such as Sergeant Aprilio Perkasa Manganang show a legal vacuum that requires serious attention. Legal certainty is needed to stipulate that gender change is not permitted within the TNI structure. Strict military discipline requires clear and firm regulations regarding the prohibition of gender change to avoid legal uncertainty.

The administrative regulations required are by revising Law Number 34 of 2004 concerning the TNI and Government Regulation Number 39 of 2010 concerning TNI Soldier Administration, which include specific provisions regarding the prohibition of gender change. The preparation of implementing regulations by the TNI Commander and the Chief of Staff of the Armed Forces must also be clearly formulated to strictly regulate the recruitment process and requirements. The establishment of clear and detailed Standard Operating Procedures (SOPs) including medical and psychological requirements at the selection and recruitment stages, ensures that all prospective soldiers meet the standards set without any exceptions based on gender.

The formation of a special team to manage and supervise cases of violations related to gender reassignment within the TNI is essential. Training and education programs for all TNI personnel on gender issues and related administrative procedures need to be organized to increase TNI personnel's awareness and understanding of the gender reassignment policy. Periodic evaluations should be conducted to ensure that the gender reassignment policy is implemented effectively. The results of the evaluations should be used to make necessary adjustments to improve the effectiveness of the policy and address challenges that may arise.

5.2. Suggestion

1. Acceleration of Revision of Laws and Implementing Regulations

The government and TNI institutions need to immediately revise Law Number 34 of 2004 concerning the TNI and Government Regulation Number 39 of 2010 concerning TNI Soldier Administration as a crucial initial step. The preparation of detailed implementing regulations by the TNI Commander and the Chief of Staff of the Armed Forces needs to include special provisions regarding the prohibition of gender change. This revision is important to provide legal certainty and maintain military discipline.

2. Improvement of Legal Counseling

The TNI needs to improve its legal counseling program to ensure that all soldiers understand the applicable policies and regulations, including gender issues and gender change. This legal counseling can be carried out such as periodic socialization of policies and regulations to explain policies and regulations related to gender change, military discipline, and the rights and obligations of soldiers, strengthening legal understanding, evaluating and monitoring counseling programs, and collaborating with legal institutions, academics, and non-governmental organizations that have expertise in gender issues and military law to enrich counseling materials and gain a broader perspective.

By implementing these suggestions, there are clear and comprehensive regulations and implementations regarding the prohibition on changing the gender of TNI soldiers, it is hoped that the TNI can develop an effective and fair legal and administrative framework, which not only meets the needs of the institution and soldiers, but also respects human rights and maintains the discipline and operational efficiency of the TNI.

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