



RESEARCH ARTICLE

Policy Analysis on Sending Misbehaving Students to Military Barracks from the Perspective of Development Law and National Defense

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Abstract

Recently, populist policies have increasingly been adopted by public officials to enhance their political image, including education-related policies issued by the Governor of West Java, which subsequently sparked criticism from various stakeholders. Therefore, this study aims to examine the policy of sending “problematic” students to military barracks through the lens of development law and a responsive, socially just conception of national defense (*bela negara*). This research employs a normative juridical method using a scientific approach that includes the statute approach and the conceptual approach. The findings of this study indicate that the policy of sending students to military barracks requires thorough legal examination to ensure that its legal objectives are clear and do not violate human rights. This is particularly important as not all members of society agree with such a policy; the aim of national defense is not the militarization of children but the internalization of Pancasila values and moral discipline. Thus, sending students to military barracks does not automatically align with the concept of national defense when the measures implemented are coercive, discriminatory, and unsupported by psychological and pedagogical educational principles. Furthermore, this policy is inconsistent with the characteristics of responsive development law, which prioritizes the protection of vulnerable groups and emphasizes social justice. A comprehensive evaluation of this policy is therefore necessary, taking into account sociological, legal, and human rights perspectives, as well as educational and rehabilitative approaches.

Keyword: Policy, Education, Child Protection.

Introduction

Entering the year 2025, eighty years after independence, Indonesia has recorded numerous historical milestones and achievements since 1945. As stated in the 1945 Constitution, Indonesia is a sovereign nation free from oppression and domination by other countries. However, as regions continue to develop, the threats faced by the nation also grow, one of which is cultural threats. The attitudes and behaviors of adolescents are strongly influenced by the cultural environment that shapes various aspects of life (Wirantika S & Mutia HA, 2023).

Issues such as juvenile delinquency, low discipline, and the weakening character of the younger generation continue to draw national attention. Within the framework of educational

decentralization, local governments have the authority to formulate policies deemed relevant to the social needs of their respective regions. The implementation of decentralization requires active public participation, as community involvement is a crucial factor in ensuring that educational policies align with local needs. To enhance effectiveness, efficiency, and productivity, both central and regional governments play an active role in designing strategic and well-structured educational programs. Through synergy among local governments, communities, and educational institutions, it is expected that an autonomous, professional, and accountable education system can emerge—one that reflects true, dynamic, and responsible decentralization (Hasbullah, 2010). In this context, a policy was proposed for “misbehaving” students to undergo character development through discipline-based training in military barracks, an initiative suggested by the Governor of West Java, Dedi Mulyadi.

The program of sending “misbehaving” students to military barracks is a character-building initiative grounded in military-style

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discipline, aiming to improve student behavior through training in a military environment. This regional policy introduced by Dedi Mulyadi has drawn national attention. While some groups support the initiative, others view it as controversial.

This initiative represents a concrete example of decentralization in the education sector carried out by the Governor of West Java. The policy is intended to improve the quality of education, particularly because several reports from global independent institutions indicate that Indonesia ranks among the lowest compared with countries such as Thailand, the Philippines, Singapore, and Malaysia.

In line with this situation, the need for a more intensive, structured character education model that also addresses psychosocial aspects has become increasingly relevant. The military-style barracks model initiated by Kang Dedi Mulyadi (Governor of West Java for the 2025–2030 period) emerges as an innovative alternative that integrates military discipline with humanitarian values. Through an approach that combines physical strengthening, spiritual reflection, and direct empathetic interaction (Eki Nurhuda Almutaqin, 2025), this model has the potential to address the limitations of existing character education methods, particularly for adolescents with chronic behavioral problems who have not been effectively reached by conventional approaches. It is therefore important to reaffirm that character education has long been a central theme in various discourses and practices concerning youth development in Indonesia (Nurmu'izzatin Zaharatul Parhi, 2025).

However, from various societal perspectives, the program is considered controversial because it may lead to psychological impacts on students, raise concerns about violations of children's rights, and create potential risks of violence or inhumane treatment. Additionally, critics point out the absence of clear legal foundations for the use of military-based methods on students who are still under state protection. On the other hand, some segments of society believe that such a program can help change problematic student behavior through rehabilitation and reorientation activities for those exhibiting deviant behavior.

The attitudes, spirit, and love of every citizen toward the Unitary State of the Republic of Indonesia (NKRI) constitute fundamental elements for national development and reflect a form of national defense grounded in Pancasila and the 1945 Constitution. The rights and obligations of every citizen include contributing to national defense by embodying the values of patriotism, which are essential for forming a resilient, nationally conscious society that prioritizes the nation's interests. These values consist of attitudes and actions that are orderly, comprehensive, and integrated—expressed individually or collectively—as a manifestation of citizens' awareness, belief in the nation's foundational principles, and willingness to sacrifice for their country (Sinta A & Sami'an, 2024).

Thus, the urgency of the study “**The Policy of Sending Misbehaving Students to Military Barracks: A Development Law and National Defense Perspective**” arises from the growing public controversy surrounding the implementation of this policy. The differing views between those who support a military-discipline-based approach and those who believe the policy may potentially violate children's rights highlight the need for a more in-depth analysis. This research becomes even more significant when examined through the framework of development law and national defense, while also assessing whether its implementation aligns with the principles of child protection as guaranteed by existing laws and regulations.

Research Methods

This study employs a **normative juridical method**, which aims to discover legal truth founded on the logic of legal science from a formative perspective. The discipline and methodology of normative legal science—law as a science whose primary object of study is the law itself—determine the logical framework of normative legal research (Johnny Ibrahim, 2005). This research also analyzes issues concerning problematic students in West Java as part of the implementation of the proposed military-style policy.

Data for this research were collected from primary, secondary, and tertiary legal materials.

Primary legal materials refer to authoritative legal sources. The findings of this study are derived from secondary data that had been previously collected by the researcher. These secondary sources are used to obtain a theoretical foundation in the form of formal regulations and official documents, including expert opinions and scholarly writings (Peter Mahmud Marzuki, 2007). Tertiary sources, which are non-legal in nature, include books, journals, and research reports from other relevant fields, as well as social media sources and news reports related to the legal issues discussed in this study.

While the **statute approach** is the scientific method employed, the **conceptual approach**—also known as the legislative or conceptual legal approach—must also be applied, as this study focuses on various legal norms and regulations (Jonaedi Efendi and Johnny Ibrahim, 2016). In this regard, the researcher analyzes the conformity of the policy with the 1945 Constitution, the Law on Regional Government, the National Education System Law, and other laws and regulations relevant to the subject of this study.

One of the purposes of the conceptual approach is to identify matters that are theoretically and practically significant. This perspective examines the policy of sending misbehaving students to military barracks from the standpoint of development law and national defense, as well as its relation to national development in terms of non-military forms of national defense and human resource development.

Result and Discussion

Result

1. Legal Review of the Policy of Sending Misbehaving Students to Military Barracks from the Perspective of Development Law and National Defense

Several schools or local governments in Indonesia have previously collaborated with the Indonesian National Armed Forces (TNI) to train students considered problematic through disciplinary training in military barracks. Although the intention of the policy is to improve behavior, strengthen discipline, and build character, its implementation raises legal and ethical concerns, particularly regarding

children's rights and educational procedures. The policy of sending misbehaving students to military barracks requires effective coaching that combines military discipline with psychological intervention and behavior modification, involving parental participation and periodic evaluation to ensure the program's success (Khairul Fahruzy et al., 2025).

The policy of sending misbehaving children to military barracks has generated significant debate, particularly concerning the protection of children's fundamental rights, as well as existing social and legal norms. Indonesia has clear principles regarding children's rights, which are grounded in the highest legal authority. Article 28B paragraph (2) of the 1945 Constitution of the Republic of Indonesia explicitly states that *“Every child has the right to live, grow, and develop, and has the right to protection from violence and discrimination.”* This article affirms that child protection is not merely a moral obligation but also a constitutional legal duty.

This constitutional obligation is closely related to the perspectives of development law theory and national defense. The application of the Principle of Fairness and Business Reasonableness (PKKU) in the Regulation of the Minister of Finance illustrates how development law theory functions as a tool for societal transformation. Mochtar Kusumaatmadja explains: *“By using law, society can remain orderly. Because of its conservative nature, law functions to preserve what has already been achieved. This function is necessary in every society, including developing societies, because even here there are results that must be maintained, preserved, and protected. However, law alone is insufficient in a developing society—one that is undergoing rapid change. In addition to preserving order, the law must also possess the capacity to assist in the process of societal transformation. The old-fashioned view that emphasizes only the static and conservative role of law considers law incapable of playing a significant role in the reform process.”* (Mochtar Kusumaatmadja, 2002).

In relation to development law theory as a basis for reform, the policy of sending misbehaving students to military barracks still raises strong public skepticism. This is due to the stigma attached to so-called “problematic

children” and the potential psychological impact on the students themselves. Beyond psychological concerns, issues of legal fairness also arise, particularly because there is no clear regulatory framework governing the placement of children in military barracks. The policy relies merely on a governor's circular letter issued under the authority of Law No. 23 of 2014 on Regional Government.

In the concept of national defense itself, as outlined in the 1945 Constitution and Law No. 23 of 2019 on the Management of National Resources for State Defense, emphasis is placed on national awareness, love for the homeland, morality and character, as well as initial non-military defense capabilities and character education. In the concept of national defense itself, as outlined in the 1945 Constitution and Law No. 23 of 2019 on the Management of National Resources for State Defense, emphasis is placed on national awareness, love for the homeland, morality and character, as well as initial non-military defense capabilities and character education.

Awareness of national defense within the framework of managing National Resources, as stated in Article 27 paragraph (3) of the 1945 Constitution, indeed provides that “*Every citizen has the right and obligation to participate in the defense of the state.*” However, this provision must be carefully interpreted. Children must not be involved in military activities that pose physical danger under the justification of fulfilling national defense responsibilities. This constitutional article does not support the implementation of compulsory military service, especially for minors. Such participation must be assessed according to capacity, age, and legal awareness, and national defense efforts must be carried out voluntarily. Thus, constitutional principles clearly oppose the involvement of children—particularly when participation is coerced or justified merely because they are deemed “problematic.” Moreover, Indonesia has a strong legal framework for child protection within its national legislation. Law No. 23 of 2002 on Child Protection, as amended by Law No. 35 of 2014, emphasizes that every policy must adhere to the principle of the best interests of the child. Article 59 of the law mandates that the government and related institutions provide

protection for children who experience legal violations.

If a military-style program fails to consider the psychological condition of each child, it could be classified as a form of violence carried out under the guise of discipline. Strict discipline, physical training, and high-risk methods that may harm mental health are typically associated with military training. Meanwhile, educational, psychosocial, and rehabilitative approaches are not components of military methods for guiding children and adolescents. These concerns are well-founded. Numerous studies and international experiences show that involving children in military training activities—even for rehabilitation—can lead to psychological trauma, loss of self-confidence, and fear of state authorities (Nur Sri Maryam, 2025).

Thus, from the perspective of development law theory and national defense, the legal substance of the policy requires further regulatory examination to clarify its legal purpose and ensure that it does not violate human rights or contradict sociocultural values. In line with the objectives of national defense, not all members of society agree with the practice of sending misbehaving children to military barracks. This is because the purpose of national defense is not the militarization of children, but rather the internalization of Pancasila values and moral discipline. Therefore, sending students to military barracks does not automatically align with the concept of national defense if it is carried out in a coercive, discriminatory manner or without consideration of psychological and pedagogical principles.

2. The Policy of Sending Students to Military Barracks Based on the Principles of Responsive and Socially Just Development Law

Law exists because society exists; therefore, law is created as a tool to regulate society (law as a tool of social engineering), which makes it inherently dynamic. This view is supported by prominent Indonesian legal scholars such as Mochtar Kusumaatmadja and Satjipto Rahardjo, who argue that the law must be capable of adapting to social changes in order to deliver substantive justice (Rasji, William Chandra, and Marcellius Kirana Hamonangan,

2025). Thus, the law must continuously respond to developments within society so that it can provide legal certainty and social justice.

The policy of sending students to military barracks, introduced by the Governor of West Java, may be seen as a response to the increasing prevalence of juvenile delinquency. However, the question arises: Does this response reflect the principles of responsive and socially just development law, or is it merely a form of coercion by a regional leader without involving broader public participation? Responsive legal theory emphasizes that legal ideas should emerge from democratic political systems that allow the wider community to actively participate in determining state policies related to legal issues (Wahyu Prijo Djatmoko, 2028).

In a previous study, Nur Sri Maryam explained that although Article 27 paragraph (3) of the 1945 Constitution stipulates that *“Every citizen has the right and obligation to participate in the defense of the state,”* its interpretation must be carried out with great caution. In that provision, the concept of state defense cannot be imposed on children who fall within a vulnerable age group, as it may endanger their mental well-being.

State defense must be conducted voluntarily, taking into account each citizen’s age, capabilities, and legal awareness. Therefore, a military-oriented policy has no sufficient legal, ethical, or educational justification to involve children—especially when such involvement is based on coercion or stigmatization that labels them as “problematic.” The state must comply with the law, respect the Constitution, and uphold its international commitments, particularly in protecting children as the next generation.

A similar conclusion was reached in the study written by Lucas Medianov et al., which also emphasized that the policy of sending students to military barracks is inconsistent with the principle of the best interests of the child as mandated in the Child Protection Law. The militaristic approach, which emphasizes strict discipline, neglects the psychological developmental needs of children. Furthermore, the use of physical punishment or psychological pressure inherent in military systems poses a potential violation of children’s rights to protection from violence as stipulated in Article 54 of the Child Protection Law.

This program also contradicts the philosophy of restorative justice embodied in the Juvenile Criminal Justice System Law, which prioritizes rehabilitation and social reintegration, and ignores the mandatory requirement for diversion. Hierarchically, regional policies forming the basis for the military barracks program may not conflict with higher-level legislation; thus, such inconsistencies create the potential for annulment through governmental oversight mechanisms. The study also highlights possible legal implications, including criminal and civil liability for organizers, risks of stigmatization of children, and violations of human rights.

Both studies consistently affirm that the policy of involving children in military-oriented programs, including the placement of students in military barracks, is incompatible with the principles of developmental law that is responsive and socially just. This is because the involvement of children in militaristic activities contradicts both national and international legal frameworks on child protection. The Constitution—particularly Article 27 paragraph (3) of the 1945 Constitution—as well as statutes such as the Child Protection Law and the Juvenile Criminal Justice System Law, emphasize that children must not be involved in military operations because such practices violate the best interests of the child, the right to protection from violence, and the philosophy of restorative justice, which forms the foundation of child rehabilitation and development.

These studies also reveal that militaristic approaches lack ethical, legal, and educational justification as methods for disciplining or educating children, and instead pose risks of human rights violations, stigmatization, and potential legal liability for policy implementers (Sri Sutatiek, 2021). Moreover, the regional policies underlying this program are considered legally invalid because they are inconsistent with higher legal norms, as mandated by the regulatory hierarchy established under Law No. 12 of 2011 on the Formation of Legislation. The policy is especially contradictory to Article 4 of Law No. 20 of 2003 on the National Education System, which requires that education be implemented with full respect for human rights. A human-rights-based education system that

benefits national development does not require violence or stigmatization.

In addition, it is important to consider the alignment of the policy of sending students to military barracks with the fundamental values and pillars of state defense (*bela negara*). The Ministry of Defense of the Republic of Indonesia has formulated these indicators, including: according to the Ministry of Defense, 2025.

a. Love for the Homeland

By learning Indonesian history, preserving existing culture and traditions, protecting the environment, and maintaining the good reputation of Indonesia, citizens can demonstrate their love for the homeland. The goal of the military barracks program is to encourage discipline-based education through sports, arts, and talent development. It also includes promoting a healthy lifestyle, such as regulating eating and drinking habits and avoiding cigarettes and illegal drugs. Thus, the military barracks program for children is designed to protect the future of Indonesian youth. Viewed from the indicator of love for the homeland, the policy of sending children to military barracks is interpreted as an effort to safeguard the nation's future by preserving culture, protecting the environment, and maintaining Indonesia's good name. Through character education and discipline for Indonesian children, this program aims to cultivate future generations who deeply love their homeland.

b. National and State Awareness

National character is closely related to awareness of nationhood and statehood, which includes national ideals and goals. In the context of the policy of sending delinquent students to military barracks, this indicator becomes relevant because Indonesian national character upholds discipline and responsibility. The policy is interpreted as an effort to instill discipline in children engaged in delinquent behavior, with the expectation that they will develop disciplined attitudes and a sense of responsibility in line with the values upheld by the Indonesian nation.

c. Loyalty to Pancasila

Loyalty to Pancasila refers to the practice of its ideological values in daily life. If the program of sending delinquent students to

military barracks is intended to instill discipline, responsibility, and a sense of nationalism, then such a program aligns with the values of Pancasila. However, if the program is carried out using militaristic methods that violate children's rights, then it contradicts the principles of humanity and social justice—values that are fundamental to Pancasila.

d. Willingness to Sacrifice for the Nation and the State

Willingness to sacrifice for the nation and the state refers to the readiness to place national interests above personal interests. Sending delinquent students to military barracks cannot be interpreted as the students' sacrifice for the state. This value is relevant only if the program provides character development that encourages moral awareness rather than coercion. If the students are treated merely as objects of harsh punishment, then the value of *bela negara* becomes misinterpreted.

e. Possessing Basic National Defense Capabilities and a Spirit to Realize a Sovereign, Just, and Prosperous State

The manifestation of national defense capabilities can be applied through maintaining discipline, working hard, and performing one's professional duties responsibly. For students, this includes studying diligently, with discipline, perseverance, and hard work. Within the program of sending students to military barracks, these objectives may be met only if its implementation takes the form of character education, rather than punishment. If the training is carried out proportionally, in a measurable manner, and in accordance with children's rights, then it may fulfill the value of basic national defense capability.

Based on the five fundamental values of *bela negara*, the policy of sending delinquent students to military barracks can only be considered aligned with the principles of national defense if it is implemented as an educational, proportional character-building program that safeguards children's rights. The program must adhere to the principle of the best interest of the child and must not contain violence, intimidation, or militaristic approaches that may degrade the dignity of children. However, if the policy is implemented as a form of sanction or

punishment for delinquent behavior, such an approach contradicts the values of humanity, social justice, and the spirit of human development that forms the foundation of national development law (Mochtar Kusumaatmadja, 2006), because according to Prof. Satjipto Rahardjo, the law must bring happiness and must live within society. Moreover, if the purpose of sending children to military barracks is not character formation but rather the imposition of sanctions, then this clearly contradicts development law and the fundamental values of *bela negara*.

Therefore, a policy that sends children to military training facilities is inconsistent with the characteristics of responsive Development Law—law that protects vulnerable groups and prioritizes social justice, as described by Nonet & Selznick. Instead, it contradicts child protection principles. Generally, both studies indicate that military facilities are not an appropriate method of child development and are incompatible with existing child protection principles.

Conclusion

Based on the discussion above, it can be concluded that the policy of sending students to military barracks, when viewed through the lens of development theory and *bela negara*, requires comprehensive legal examination to ensure that its legal objectives are clear and do not violate human rights. The practice is not universally accepted, as the purpose of *bela negara* is not the militarization of children but rather the internalization of Pancasila values and moral discipline. Thus, sending students to military barracks does not automatically align with the *bela negara* concept if it is carried out in a coercive, discriminatory manner or without psychological and pedagogical foundations.

Furthermore, the policy of sending children to military training facilities is inconsistent with the characteristics of responsive Development Law—law that supports vulnerable groups and prioritizes social justice. A thorough evaluation of this policy is needed from all aspects, including sociological, legal, human rights, educational, and rehabilitative perspectives. Military facilities are not an appropriate method for child development and contradict the established principles of child protection.

References

- Efendi, Jonaedi and Johnny Ibrahim. 2016. *Normative and Empirical Legal Research Methods*. Depok: Prenamedia Group.
- Hasbullah. 2010. *Educational Autonomy: Regional Autonomy Policies and Their Implications for the Administration of Education*. Jakarta: PT RajaGrafindo Persada.
- Ibrahim, Johnny. 2005. *Theory and Methodology of Normative Legal Research*. Surabaya: Bayumedia Publishing.
- Kusumaatmadja, Mochtar. 2002. *Legal Concepts in Development (A Collection of Writings)*. Bandung: Alumni Publishing.
- Khairul Fahuzy et al. "Effectiveness of the Military Barracks Program as a Solution to Address Problematic Students/Adolescents in West Java Province." *Pendas: Jurnal Ilmiah Pendidikan Dasar*, Print ISSN: 2477-2143; Online ISSN: 2548-6950, Vol. 10, No. 02, June 2025.
- Lucas Medianov Grand, Rahmayanti, Nesrita Dahlia Sinaga, Kesya Dina Sari Sitio, and Devani Alysk. "A Juridical Analysis of the West Java Governor's Policy on the Guidance of Delinquent Children Through the Military Barracks Program in the Perspective of Child Protection Law." *Jurnal Prosiding Hukum Pendidikan Harapan*, Vol. 5, No. 02 (2025): Education and Society. <https://jumas.ourhope.biz.id/ojs/index.php/JM/article/view/120>
- Marzuki, Peter Mahmud. 2007. *Legal Research*. Jakarta: Kencana Prenada Media Group.
- M. Mahbubi. "Character Education Through a Military Approach: An Analysis of the West Java Governor's Policy in Addressing Problematic Students." *Jurnal Pendidikan Agama Islam*, Vol. 2, No. 1, June 2025, pp. 55–67. DOI: <https://doi.org/10.58326/man.v2i1.356>
- Nurmu'izzatin Zaharatul Parhi. 2025. "Analysis of Kang Dedi Mulyadi's Ideas on Adolescent Character Education through the Military Barracks Model." *Jurnal Studi Gender dan Anak*, Vol. 13, No. 1, Universitas Islam Negeri Sunan Kalijaga Yogyakarta, Indonesia.

- Nur Sri Maryam DM. "Legal Analysis of Mandatory Military Service Policies for Problematic Students in West Java Between Character Development and State Repressiveness." *Aliansi: Jurnal Hukum, Pendidikan dan Sosial Humaniora*, Vol. 2, No. 3, May 2025, pp. 116–127. e-ISSN: 3031-9706; p-ISSN: 3031-9684. DOI: <https://doi.org/10.62383/aliansi.v2i3.900>
- Wahyu Prijo Djatmoko. "The Paradigm of Responsive National Legal Development in the Perspective of J.H. Merryman's Theory on Legal Development Strategy." *Jurnal Arena Hukum*, Vol. 11, No. 2, August 2018.
- Wirantika S. and Mutia H.A. "The Influence of Culture on Adolescents." *Jurnal Flourishing*, 3(5), 2023, pp. 205–210. DOI: 10.17977/10.17977/um070v3i52023p205-210